

By Mr. GARDNER of Massachusetts: Paper to accompany bill for relief of Charles F. Wonsow—to the Committee on War Claims.

By Mr. GRAFF: Petition of Illinois State Teachers' Association, favoring simplified spelling—to the Committee on Printing.

Also, petition of Peoria County Pomona Grange, Patrons of Husbandry, against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Peoria County Pomona Grange, indorsing reciprocity treaties—to the Committee on Ways and Means.

Also, petition of Peoria County Pomona Grange, Patrons of Husbandry, against free seeds—to the Committee on Agriculture.

By Mr. HAY: Paper to accompany bill for relief of heirs of Joshua White—to the Committee on War Claims.

By Mr. HIGGINS: Petition of George E. Tingley, of Mystic, Conn., against amendment to copyright bill relative to photographic work in newspapers—to the Committee on Patents.

By Mr. HULL: Petition of citizens of Madison County, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of heirs at law of David W. Dodson—to the Committee on Claims.

By Mr. KLEPPER: Petitions of more than 1,000 citizens of Clay County, against granting further extension of time for building a bridge across the Missouri River at Kansas City, on the old Winner piers; also, letters from Hon. R. E. Ward, J. D. Wasson, and George Tuggle, citizens of Clay County, and telegrams from Dr. J. E. Gartside, A. Howard, et al., of Kingston, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. LEVER: Paper to accompany bill for relief of Samuel S. Gardner—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: Paper to accompany bill for relief of William A. Paul—to the Committee on War Claims.

By Mr. MANN: Paper to accompany bill for relief of Belle M. Ocker—to the Committee on Invalid Pensions.

By Mr. MOORE: Petition of Fruit Growers' Association of Bedford County, for certain amendments of the Payne bill (H. R. 19750) relative to duty on apples imported to Germany—to the Committee on Ways and Means.

By Mr. MUDD: Paper to accompany bill for relief of Henry A. Butler—to the Committee on War Claims.

By Mr. NEEDHAM: Petition of the Hanford Journal, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. NORRIS: Petition of National Business League, for improvement in consular service—to the Committee on Foreign Affairs.

By Mr. OVERSTREET of Indiana: Petition of New Albany (Ind.) Commercial Club, for improvement of the Ohio River—to the Committee on Rivers and Harbors.

Also, petition of Indianapolis Board of Trade, for a law to regulate issuing bills of lading on merchandise shipments in such form as to enable granting of credit by our national banks—to the Committee on Interstate and Foreign Commerce.

By Mr. PADGETT: Paper to accompany bill for relief of S. H. Bailey—to the Committee on War Claims.

By Mr. PARSONS: Paper to accompany bill for relief of Brig. Gen. Edward M. Lee—to the Committee on Invalid Pensions.

By Mr. REYBURN: Petition of Fruit Growers' Association of Bedford County, Pa., for certain amendment of the Payne bill (H. R. 19750) relative to duty on apples imported to Germany—to the Committee on Ways and Means.

By Mr. REYNOLDS: Paper to accompany bill for relief of Alexander N. Hart—to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Philip Lape, Franklin Lear, Samuel Shoup, John T. Criswell, F. M. Amos, Burdine Beake, Alphonsus J. Bigham, John McCune, William Grant Melhott, Daniel Lamberton, Samuel Wilhelm, Joseph H. Stonebraker, Emanuel Russell, and Nicholas Beaver—to the Committee on Invalid Pensions.

Also, petition of Orient Council, No. 72; Saxton Council, No. 591; Dale Council, No. 642; Daniel Webster Council, No. 700; East Freedom Council, No. 405, and Good Will Council, No. 42, Junior Order United American Mechanics, and State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Daily Democrat and the Tribune, Johnstown, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Johnstown Turn Verein, against Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. SIMS: Paper to accompany bill for relief of heirs of Edward T. Trice—to the Committee on War Claims.

By Mr. STERLING: Petition of citizens of Champaign and Vermillion counties, Ill., favoring the Littlefield-Dolliver bill (H. R. 13655)—to the Committee on the Judiciary.

By Mr. TRIMBLE: Paper to accompany bill for relief of Thomas N. Arnold—to the Committee on War Claims.

By Mr. TYNDALL: Paper to accompany bill for relief of William M. Mahaffey—to the Committee on Invalid Pensions.

By Mr. WALDO: Petition of George A. Taber and C. D. Pollock, for continuance of stream measurements by Hydrographic Bureau—to the Committee on Appropriations.

SENATE.

THURSDAY, January 17, 1907.

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

Take unto you the whole armor of God, that ye may be able to withstand in the evil day, and having done all, to stand, Stand therefore.

Abhor that which is evil; cleave to that which is good. Be kindly affectioned one to another; in honour preferring one another; not slothful in business; fervent in spirit; serving the Lord.

Behold, I come quickly, and my reward is with me, to give every man according as his work shall be. Blessed are they that do His commandments, that they may have right to the tree of life, and may enter in through the gates into the city.

Father of love, Father of life, we commemorate this day the service of him whom Thou wast pleased to call from service here to higher service there. Teach us, Father, every man, every woman, every boy, every girl, how to do the duty that comes next our hand in every living day. Show us what that duty is. Show us from hour to hour how we are to do it. Give us strength for our weakness that we may be fellow-workmen with our God—not alone, not as if we could be alone, but as together, to bear each other's burdens, to live in the common life, each for all and all for each. This is our prayer; and that Thou wilt unite us, Father, as Thine own children in Christ Jesus.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done, on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power, and the glory. Forever and ever. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

REPORT OF COMMISSIONER OF EDUCATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Education submitting the manuscript of his report for the year 1904-5; which, with the accompanying papers, was referred to the Committee on Education and Labor, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of *Elijah Stannard v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 16169. An act granting a pension to Neal O'Donnell Parks;

H. R. 19035. An act granting a pension to Elizabeth Moore Morgan;

H. R. 19462. An act granting an increase of pension to Emily Fox; and

H. R. 19528. An act granting an increase of pension to Elizabeth Maddox.

The message also announced that the House insists upon its amendment to the bill (S. 822) granting a pension to Michael V. Hennessy, disagreed to by the Senate, agrees to the conference on the disagreeing votes of the two Houses thereon asked for by the Senate, and had appointed Mr. LOUDENSLAGER,

Mr. DRAPER, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 4908) granting an increase of pension to William H. Kimball, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message also announced that the House had passed the joint resolution (S. R. 80) authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 21194. An act to authorize J. F. Andrews, J. W. Jourdan, their heirs, representatives, associates, and assigns, to construct dams and power stations on Bear River, on the southeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.;

H. R. 21402. An act permitting the building of a dam across the Savannah River at Gregg shoals;

H. R. 21677. An act to amend an act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River in Scott County, Iowa;

H. R. 22135. An act authorizing the construction of a bridge across the Ashley River, in the counties of Charleston and Colleton, S. C.;

H. R. 23560. An act to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad Company;

H. R. 23561. An act to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the North Coast Railroad Company;

H. R. 23578. An act to authorize the county of Clay, in the State of Arkansas, to construct a bridge across Black River at or near Bennetts Ferry, in said county and State; and

H. R. 23821. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 81) authorizing temporary leaves of absence for homestead settlers; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Washington National Monument Society, praying that an appropriation of \$7,500 be made for paving with asphalt the present circular driveway around and near the base of the Washington Monument; which was referred to the Committee on Appropriations.

Mr. NELSON presented petitions of the Woman's Christian Temperance Unions of Minneapolis and Marietta, in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of sundry women's clubs of Skowhegan, Me., praying for the enactment of legislation to regulate the employment of child labor; which was referred to the Committee on Education and Labor.

He also presented sundry petitions of citizens of Machias, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of the Rev. George L. Mason, of Rochester, N. H., praying for the passage of the so-called "Crumpacker bill," providing for a judicial review of orders excluding persons from the use of United States mail facilities; which was referred to the Committee on the Judiciary.

He also presented a petition of the Sullivan Machinery Company, of Claremont, N. H., praying that an appropriation be made for the preservation of the models in the United States Patent Office; which was referred to the Committee on Appropriations.

Mr. LODGE. I present a petition of the National Business

League, praying for a permanent consular improvement and commercial enlargement. The petition is very brief. I move that it be printed as a document, and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. DEPEW presented petitions of sundry citizens of Atlanta, Middleport, and Greenwood, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. McENERY presented a paper to accompany the bill (S. 7826) for the relief of the heirs of John R. Elliott; which was referred to the Committee on Claims.

Mr. BURKETT presented a memorial of sundry citizens of Collegeview, Nebr., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Hardy, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. LONG presented a petition of sundry citizens of Ottawa, Kans., and a petition of sundry citizens of St. John, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the twenty-fifth annual encampment, Department of Kansas, Grand Army of the Republic, of Topeka, Kans., praying for the enactment of legislation to appropriate \$12 a month as a pension for all widows of deceased Union soldiers now or hereafter drawing a pension; which was referred to the Committee on Pensions.

Mr. TALIAFERRO presented memorials of sundry citizens of Plant City, Fla., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. CLAPP presented petitions of sundry citizens of Fairfax and Minneapolis, in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. KNOX presented petitions of F. W. Thompson, of New Wilmington; L. McKelvey, of New Wilmington; M. A. Veazey, of New Wilmington; R. W. Eggert, of Danville; S. A. Kirkbridge, of New Wilmington, and of the Christian Endeavor Society of the Fourth Methodist Episcopal Church of Pittsburg, all in the State of Pennsylvania, and of J. A. Veazey, of Ithaca, N. Y., praying for an investigation of the charges made and filed against Hon. REED SMOOR, a Senator from the State of Utah; which were ordered to lie on the table.

He also presented petitions of Samuel C. Huey, of Philadelphia; R. L. Martin, of Philadelphia, and of Henry A. Frey, of Philadelphia, all in the State of Pennsylvania, praying for the passage of the so-called "navy personnel bill," which were referred to the Committee on Naval Affairs.

He also presented petitions of the publishers of the Elizabeth Herald, of Elizabeth; the Delaware County Democrat, of Chester; of the People Company, of Franklin, and of George W. Wagenseller, of Middleburg, all in the State of Pennsylvania, praying for the enactment of legislation providing for a modification of the Interstate Commerce Commission's ruling denying newspapers the right to exchange advertising for railroad transportation; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the congregations of the Fourth Methodist Protestant Church of Pittsburg; the Hawthorne Avenue Presbyterian Church, of Crafton; the Woman's Christian Temperance Union of Newtown; the Tabernacle Presbyterian Church, of Pittsburg; the Brushon Avenue Lutheran Church, of Pittsburg; the Homewood Avenue Methodist Episcopal Church, of Pittsburg, and the Homewood Presbyterian Church, of Pittsburg, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the National Business League of Chicago, Ill., praying for the enactment of legislation providing for a revision of the public-land laws; which was referred to the Committee on Public Lands.

He also presented a petition of the National Business League of Chicago, Ill., praying for the adoption of certain amendments to the present consular-service law; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. FOSTER, from the Committee on Commerce, to whom was referred the bill (S. 7515) to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River, reported it with amendments, and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (H. R. 1142) for the relief of Ephraim Greenawalt, reported it without amendment, and submitted a report thereon.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the bill (H. R. 7014) to provide American registers for the steamers *Marie* and *Success*, reported it without amendment.

Mr. LODGE, from the Committee on Military Affairs. I ask that that committee be discharged from the further consideration of the claim covered by Senate Document No. 165, part 2, Fifty-ninth Congress, second session, and that it be referred to the Committee on Claims, part 1 of the document having been already rereferred from the Committee on Military Affairs to the Committee on Claims.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 21689) to increase the limit of cost of five light-house tenders heretofore authorized, reported it without amendment.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 23218) to authorize the Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on the east side of said river in Pike County, Ky., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 7800) to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River at or near Shepherdstown, W. Va., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 23718) to authorize the Chicago, Lake Shore and South Bend Railway Company to construct a bridge across the Calumet River in the State of Indiana, reported it without amendment.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 5614) for the relief of the widow of Harrison S. Weeks, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 7550) for the relief of Harry A. Young, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9577) for the relief of Charles H. Stockley, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2325) for the relief of James D. Vernay, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. CRANE, from the Committee on Commerce, to whom was referred the bill (H. R. 17624) to amend an act entitled "An act to amend section 4405 of the Revised Statutes of the United States," approved March 3, 1905, reported it without amendment.

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the bill (S. 7042) to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3645) to correct the military record of Edwin H. Moyer, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. BURKETT introduced a bill (S. 7904) granting an increase of pension to John S. Duke; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7905) to amend an act approved June 29, 1906, entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission;" which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. BENSON introduced a bill (S. 7906) for the relief of James Tulley; which was read twice by its title, and, with the

accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 7907) granting an increase of pension to Wilkison B. Ross; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 7908) to provide the right of appeal or writ of error in behalf of the United States in criminal cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MALLORY introduced a bill (S. 7909) to remove the charge of desertion from the military record of Abraham Collinsworth; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WHYTE introduced a bill (S. 7910) placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 7911) placing M. H. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. SMOOT introduced a bill (S. 7912) granting an increase of pension to Eleanor P. Bigler; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DILLINGHAM (by request) introduced a bill (S. 7913) providing that in the assignment of lands herein provided for to the several members of the Creeks, Cherokees, Chickasaw, and Choctaw tribes of Indians situated in the Indian Territory, who have not heretofore accepted allotments, the said several assignments to them, respectively, shall be of the lands occupied, improved, cultivated, and inclosed by them; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GALLINGER introduced a bill (S. 7914) granting a pension to Mary F. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 7915) granting an increase of pension to Mary M. Howell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 7916) providing for the appointment and maintenance of a deputy marshal and a deputy clerk for the circuit and district courts for the district of Kansas, at Kansas City, Kans.; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 7917) to authorize the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., to construct a bridge across the Missouri River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. NIXON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7918) granting an increase of pension to R. T. Melvin;

A bill (S. 7919) granting an increase of pension to John D. Abel; and

A bill (S. 7920) granting a pension to Josephine M. Buck.

Mr. NIXON introduced a bill (S. 7921) for the relief of George A. Armstrong; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7922) to reimburse Anna B. Moore, postmaster at Rhyolite, Nev., for money expended for clerical assistance; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. HEYBURN introduced a joint resolution (S. R. 85) authorizing temporary leaves of absence for homestead settlers; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO DISTRICT APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate \$3,000 for completing card index, and to correct and transcribe the indexes of copies, correct the dockets, and index all wills filed from 1801 to the present time, etc., in the office of the register of wills, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. LONG submitted an amendment proposing to appropriate \$66 to reimburse William C. Eckstein for amounts paid to John E. Allman and A. S. Lucas, who were erroneously placed on the

roll of privates of the fire department of the District of Columbia in the month of July, 1906, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. LONG submitted an amendment, intended to be proposed by him to the omnibus claims bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

DONATION OF CANNON TO SOUTH DAKOTA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 80) authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota; which was, in line 8, to strike out all after "Provided," down to and including "States," line 9, and to insert: "That no expense shall be incurred by the United States in the delivery of said cannon, carriages, and accessories."

Mr. KITTREDGE. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 21194. An act to authorize J. F. Andrews, J. W. Jourdan, their heirs, representatives, associates, and assigns, to construct dams and power stations on Bear River, on the south-east quarter of section 31, township 5, range 11, in Tishomingo County, Miss.;

H. R. 21402. An act permitting the building of a dam across the Savannah River at Gregg Shoals;

H. R. 21677. An act to amend an act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River in Scott County, Iowa;

H. R. 22135. An act authorizing the construction of a bridge across the Ashley River, in the counties of Charleston and Colleton, S. C.;

H. R. 23560. An act to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad Company;

H. R. 23561. An act to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the North Coast Railroad Company;

H. R. 23578. An act to authorize the county of Clay, in the State of Arkansas, to construct a bridge across Black River at or near Bennetts Ferry, in said county and State; and

H. R. 23821. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT. If there are no concurrent or other resolutions, the morning business is closed. The Chair lays before the Senate a resolution, which will be read.

The Secretary read the resolution submitted by Mr. FORAKER, as modified by him yesterday, as follows:

Resolved, That the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Tex., on the night of August 13-14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions of the Senate, and, if deemed advisable, at Brownsville or elsewhere, the expenses of the investigation to be paid from the contingent fund of the Senate.

Mr. FORAKER rose.

Mr. BLACKBURN. Mr. President, I will ask the courtesy of the Senator from Ohio long enough to say that in his speech yesterday afternoon the Senator stated that it was his desire to close this debate. To that, Mr. President, I have no objection. But it is my purpose to offer an amendment to the resolution of the Senator from Ohio, and in that connection I should say that it is not my purpose to discuss the amendment at any considerable length, nor, in fact, to go beyond a statement of its intent and scope. It seems to me, in the light of the Senator's declaration and expressed wish, it is proper for me to give him notice of this purpose. It will be entirely agreeable to me for the Senator himself to determine at what point my proposed amendment

shall be submitted, whether before he proceeds with his argument, or later, after he shall have concluded.

Mr. FORAKER. Mr. President, I would rather, for reasons which I think the Senator will appreciate, conclude my remarks at this time. I would be obliged to the Senator, however, if without interrupting me to make his explanation he would be willing to offer his amendment so that I may be advised of its nature.

Mr. BLACKBURN. It was with that purpose that I made the suggestion, as probably the Senator from Ohio, in the course of his concluding argument, would want to have an opportunity of noticing the proposed amendment. That course is entirely agreeable to me. I send it to the desk to be read for the information of the Senator and the information of other Senators, and at the conclusion of the speech of the Senator from Ohio I shall ask to submit briefly a statement as to the purpose and scope and intent of the proposed amendment.

The VICE-PRESIDENT. The Senator from Kentucky proposes an amendment to the resolution of the Senator from Ohio, which will be read by the Secretary.

The SECRETARY. After the first words, "Resolved, That," it is proposed to insert the following:

Without questioning or denying the legal right of the President to discharge without honor enlisted men from the Army of the United States.

Mr. FORAKER. Mr. President, I need not say I am opposed to that amendment and can not accept it. I want to get the facts, and my resolution calls for nothing but the facts.

But, Mr. President, I do not think the Senate should now, by adopting an amendment of that character, preclude itself from considering this question of power when all the facts that may be obtained by the committee shall have been laid before the Senate.

I had hoped it would not be necessary to say anything more on the question of the power of the Chief Executive, but this amendment makes it necessary, perhaps, that I should address myself to that proposition at this time, not for the purpose of elaborately arguing it, but only for the purpose of showing at least that it is a question about which we should not preclude ourselves by taking action of this kind before we have learned and established what this case is.

There is another thing, Mr. President. On yesterday, supposing I was meeting the objections of all Senators who were disposed to have an investigation at all, I agreed to a modification of my resolution. I did that upon the theory that all question of power was to be postponed until the case was brought before the Senate upon the testimony. I did that for the sake of harmony. I did that for the sake of getting the facts and opening the door—

Mr. BLACKBURN. The Senator does not, I am sure, mean to be understood—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. FORAKER. Certainly.

Mr. BLACKBURN. I am sure the Senator does not mean to be understood as even intimating that I or those about me were parties to that agreement.

Mr. FORAKER. Certainly not. I am speaking about my party colleagues on this side of the Chamber. I supposed when that modification was agreed upon it would be satisfactory and we would have a vote; that those who did not want an investigation of the facts would vote "no," and those who wanted an investigation of the facts would vote for the resolution, with the understanding that we were not hampered or restrained in the investigation of the facts, but that no question of power was to be considered by the committee or to be reported upon by the committee.

But now, in view of what the Senator brings into the case, let me speak about the power of the President to make this kind of an order. I listened with close attention and with very great interest to the very able arguments of the Senator from Wisconsin [Mr. SPOONER], the Senator from Pennsylvania [Mr. KNOX], and other Senators on that point, who contended that the President had power inherent in him as Commander in Chief to make the order in question, and that, such power inhering in him as Commander in Chief, it had not been taken away from him by any statute or by any regulation of the Army, but, on the contrary, had rather been confirmed to him. I believe that, in a word, is the gist of the arguments that have been made on the other side as to this proposition.

Mr. President, when I spoke here on December 20 I touched upon that point because I thought we were challenged to speak about it by some passages in the President's message. I then made some rather extended remarks as to what was the consti-

tutional power of the President and what was the constitutional power of Congress with respect to the Army, contending in that behalf that the constitutional power of the President is the power to command and that the constitutional power of the Congress is the power to raise armies and to provide rules for the government and regulation thereof. And I contended that because of these constitutional provisions it was competent for the Congress to make all necessary regulations, and that when any regulation had been made by Congress for the government of the Army, as to the size of it, as to the units of its organization, as to the distribution of it between infantry, artillery, and cavalry, as to enlistment, as to discharge—anything permanent in its character as a regulation, those regulations were absolutely binding on the President, as well as on everybody else, and that the President had no power to make regulations except only when authorized by Congress or when Congress had neglected to make some regulation, which necessity compelled him to make for the preservation of his Army or for its proper government or management.

I will ask to have incorporated in my remarks at this place what I then said on that subject. I send the remarks to which I refer to the desk, and ask that the Reporter may incorporate them.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

"The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia, etc."

I have read far enough. That is all that the Constitution says as to the constitutional powers of the President as Commander in Chief.

In section 8 of Article I of the Constitution it is provided as I shall read. I have a note of it, but I prefer to read from the Constitution itself. However, to save time I will read from my notes. Section 8 of Article I reads, in part, as follows:

"The Congress shall have power * * * to raise and support armies; * * * to make rules for the government and regulation of the land and naval forces."

That is all that is applicable, and I confine myself in the reading to that.

Now, Mr. President, it must be apparent to anyone without any study that the constitutional power conferred upon the President of the United States as Commander in Chief is to command the Army, and the power conferred by the Constitution on the Congress is a power to raise the Army and to prescribe the laws and the rules whereby the Army shall be regulated. Nobody would pretend that the Congress had any power or that anybody else had any power over the President as the commander to direct the movement of troops, to say where they should be stationed in time of peace or how they should be directed against the enemy in time of war. He, in that particular, is absolute, without anybody to question his authority.

But, on the other hand, it seems to me, Mr. President, equally clear no one can question that the Congress has power to prescribe by law what rules and regulations shall govern the Army as to its organization, as to the size of the Army, its maximum, its minimum, as to the number of the infantry regiments, the number of cavalry regiments, the number of artillery regiments, and the number of batteries, and the number of men in each of these units of organization; and how, Mr. President, particularly, men shall be enlisted and men shall be discharged from the Army, the terms and conditions upon which they shall be enlisted, the rights that shall accrue to them on account of their service—long service, faithful service—whether or not they shall be recognized by the Government and be rewarded by the Government. All that rests with Congress as a part of that power. As a part of that power it is competent for the Congress of the United States to provide that no man shall be summarily discharged from the Army after he has been regularly enlisted except upon certain terms and conditions; that no man in the Army shall be found guilty of any offense with which he may be charged except after he has had an opportunity to appear before a tribunal where he can present his defense, where he can be represented in person and be represented by attorney, if he wants to be, or by some one else to speak for him; where he can confront his accusers and cross-examine their witnesses.

Mr. FORAKER. Now, Mr. President, I call attention to what I then said and repeat it in substance, so that there may be no misunderstanding of what I have been contending for, namely, that the constitutional power of the President is the power to command, the constitutional power of the Congress is the power to regulate and govern the Army; that the President is supreme as commander and can not be interfered with by the Congress, and that the Congress is supreme in legislating for the Army and can not be interfered with by the President; that the President can make regulations only by authority of law or as a result of a necessity that Congress has not provided for.

That was my first statement. I repeated that statement in effect when I spoke here January 7. I did not suppose there would be issue taken upon that proposition. But there has been. On yesterday the Senator from Pennsylvania [Mr. KNOX] cited some authorities to support his contention that this power inheres in the President to make regulations and to make orders; and the Senator from Wisconsin [Mr. SPOONER] contended that whatever the power of the Congress might be to regulate and govern the Army, it did not extend to the regulation of orders issued by the Commander.

The Senator from Massachusetts [Mr. LODGE] told us that our fathers made the Constitution with the British constitution in mind, and that when they provided that the President of the

United States should be the Commander in Chief of the Army they had reference in their minds to the powers of the King as the commander in chief of the British army.

Mr. President, I was rather surprised to hear that kind of a statement coming from a representative of Massachusetts, the scene of the Boston tea party, Bunker Hill, and other places of great Revolutionary historic interest, for of all the men in this body he should remember that our forefathers and their predecessors fled to this continent in order that they might get away from the King, and they had no purpose at any time, certainly not when they framed the Constitution after our independence had been conquered, to create a king or to create kingly power for any man to exercise.

I have some authorities on that subject. In the first place, I call attention to what Alexander Hamilton said. In that elder, if not better, day when lawyers were lawyers and proud of their profession and ready to stand up for the law everywhere and under all circumstances, when courts were courts and fearlessly administered justice, and when Senators were Senators and spoke on the floor of this Chamber precisely what they spoke in the cloakroom, he was considered a fairly good authority on the Constitution of the United States. Alexander Hamilton, in the *Federalist*, said what I am about to read.

I need not tell you who Alexander Hamilton was. He was the greatest creative genius of the formative stages of our Government, the most brilliant man of his time, the best authority on government making, and the most pronounced type of all who contended for a strong centralized government. It was his contention throughout that the central government should be a strong government, as nearly the opposite of what we had under the Articles of Confederation as it was possible to make it, and to him, perhaps, more than anybody else are we indebted for our Constitution, not that he said as much in the Convention as others or took as much part there, but because he led successfully the greatest parliamentary battle ever fought on the American continent, or in the world, when he secured the ratification by the New York convention of the Constitution of the United States, which without that ratification never would have been adopted.

Mr. President, here is what Alexander Hamilton said on this point. I read this in answer to the suggestion of the Senator from Massachusetts [Mr. LODGE] that the Commander in Chief was given all the inherent power, the same power, that pertained to the commander in chief of the British army. In discussing this subject in the sixty-ninth number of the *Federalist*, Alexander Hamilton said:

Second—

I will not read all of it—

The President is to be Commander in Chief of the Army and Navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces as first general and admiral of the confederacy, while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies; all which, by the Constitution under consideration, would appertain to the Legislature.

I need not read further. I have read enough to show what Mr. Hamilton's view was of the Constitution he helped to make, the Constitution which he did more than any other one man to secure the ratification of by the requisite number of States.

He did not imagine, Mr. President, that the power that was being conferred upon the President of the United States as Commander in Chief of our Army and Navy was the same as the powers of the commander in chief of the British army. He recognized that we were undertaking here to escape not only from kingly power, but also from unwritten constitutions, and to establish governments founded on written constitutions. Those men knew exactly, and better than anybody else, what to put in a constitution to express their purpose, for they were the greatest constitution makers the world has ever known. Mr. Gladstone once said with respect to that Constitution—I can not quote his words exactly, but I can substantially—that it was the greatest work ever struck off by the hand of man at a single effort. The only criticism I would make upon that statement is that it was not a single effort. It was the ripened work of two hundred years of constitution building. Our fathers, in securing and drafting and discussing their charters, their organic laws, had come to understand the work of creating a government resting on a written constitution better than anybody else in all the world. They knew the danger of leaving anything to be inferred from the institutions in the light of which, of course, our institutions were founded.

Therefore they provided what? Not that our Commander in Chief should have the same power as the British commander in chief, but that he should be limited to the power to command,

while the other power that had belonged to the British commander to regulate the army should be given to Congress.

I think that authority of itself is enough to establish the proposition for which I have been contending. But let me call attention in this connection to the fact that I cited on previous occasions a number of authorities precisely in line with what Mr. Hamilton said, and yesterday the Senator from Pennsylvania [Mr. KNOX] cited one of them in his argument. He cited it to show that the President of the United States has power to make regulations inherent in him as Commander in Chief, as I understood the Senator. The case I refer to, as cited by him in support of that proposition, is reported in 16 Peters, known as the "Eliason case." In that case—I cited it in one of the speeches I made here on the subject—the Supreme Court said that the President had the power to make regulations when Congress had not acted with respect to a subject where regulation was necessary, and it said all such regulations as the President might see fit to make would have the effect of law, provided, Mr. President, provided they were within the legal and constitutional sphere of the President—not otherwise.

But, Mr. President, yesterday the Senator from Pennsylvania cited an authority that no one else until he cited it had called attention to in this debate, O'Brien on Military Law. I had never seen the work. This is a work that was published sixty years ago. I overlooked it because I was looking for something more modern, and I shall call attention to something more modern presently. I sent at once to the Library and got this work, looked through it, to find that it is one of the best authorities on this subject I have found anywhere. I am greatly obliged to the Senator from Pennsylvania for calling my attention to it. After discussing the power of the President as Commander in Chief and after citing the constitutional provision that the President shall be the Commander in Chief and the Congress shall have power to raise armies and provide rules for the government and regulation of the same, this author proceeds. I read from page 30:

The effect of these provisions is that Congress, after raising and equipping an army, can not use it against the liberties of the country, because it can neither command it nor appoint a commander to it. The President can do nothing detrimental to the public safety, for Congress may at any moment strike from his hands the instrument he is misusing. Independently of this, any military command contrary to law is null, and no military officer dare obey it under penalty of punishment by a military or civil court.

In all that relates to the raising of an army, to its strength, to its organization, to its criminal code, Congress is omnipotent, the President powerless. The same remark applies to the fiscal concerns of the Army.

And then, passing over a part of the text, he continues:

The command of the President is, indeed, absolute within its sphere, but its sphere is bounded on all sides by law.

It is "bounded on all sides by law." And so it is—

The moment the Executive oversteps the boundaries prescribed he becomes powerless and his commands are of no force.

I looked to see the speech of the Senator from Wisconsin [Mr. SPOONER] in the RECORD this morning, but it has not yet been printed. Therefore, if I am in error in quoting him, I hope he will correct me. I understood him to say that this power conferred by the Constitution upon the Congress to provide rules for the government and regulation of the Army was not a power that authorized Congress to interfere with any order the Commander in Chief might make.

Mr. SPOONER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. FORAKER. Certainly.

Mr. SPOONER. If the Senator appeals to me, that is my opinion. I think Congress is given power to govern the Army through rules and regulations. I agree entirely with the Senator that neither Congress nor the President can exceed the constitutional power. Neither can the President exceed any statutory restriction.

Mr. FORAKER. I understand. All I appealed to the Senator for was to see that I did not misquote him.

Mr. SPOONER. That is right.

Mr. FORAKER. I am quoting him simply from recollection, because I have had no opportunity to see his remarks in print.

Mr. SPOONER. That is right.

Mr. FORAKER. But now, in answer to that, Mr. President, I read again the sentence that prompted me to make that allusion to the Senator's remarks:

The moment the Executive oversteps the boundaries prescribed he becomes powerless and his commands are of no force.

That is, an order—

Mr. SPOONER. I agree to that. I said, if the Senator will permit me a moment, that where the President in the exercise

of a power which he possesses, derived from the Constitution or from a law, makes an order, while the Congress may change the rule it can not review and set aside that order.

Mr. FORAKER. That is true, Mr. President; but I have been reading from Mr. Hamilton to show that the power of the President is a power to command, and that all power with respect to the regulation of the Army is vested in Congress. If the Congress do not exercise that power and the necessity arise, the Commander in Chief may, from the necessity of the case, prescribe a regulation for it. I am not done reading from this author. He says further:

Congress may declare when and for what objects the Army is to be used and for what purposes it may not be used, and thus chart out accurately the limits of Executive power. And even within these limits the action of the Executive indirectly, but absolutely, depends on the concurrence of Congress, which must appropriate funds for the purpose before even a corporal's guard can be moved.

So contracted is the actual authority of the President that, but for the protective power of his qualified veto, his command might be so restricted by legislation as to destroy its utility. It is in the power of Congress not only to protect itself, but to embarrass the action of the Executive at every step. It may prohibit the approach of troops within a certain distance from the Capitol; it may raise troops for a special service, such as to garrison a particular fort or to operate in a particular district, and may declare that this corps shall serve nowhere else. In none of these or similar cases dare the President overstep the limits prescribed. The only effect of his illegal order would be to subject to punishment the officer who obeyed it.

As Commander in Chief the President may issue to the Army any military commands or orders whatever, provided they be not illegal. These orders are of binding force on those to whom they are given, not merely by virtue of law, but in consequence of the article of the Constitution appointing him supreme commander.

Then, passing over a part of the text, he continues:

As the Executive has no legislative power it is plain that the regulations issued by him to the Army are not law; and as he is as much bound by law as any other citizen it follows that, if any of them conflict with law, they are so far null and void, otherwise they are constitutionally binding as military commands.

Or military orders, to adopt the language which was employed by the Senator from Wisconsin.

Mr. President, there is not in point of principle much difference between the Senator from Wisconsin and myself. The difference is in the application of it. What I have contended for from the outset is, as expressed by this authority, that the President, in the exercise of his power as Commander in Chief, is surrounded on all sides by law, and is just as amenable to law as is anybody else, and this authority, taken in connection with the interpretation of the Constitution given by Mr. Hamilton, shows that his power under the Constitution is limited to command; the same power as, he says for illustration, would belong to the Admiral of the Navy or the first General of the Army. That is what Alexander Hamilton said about it, and that is what I contend for in regard to it.

But, now, let us come down to something more recent. I have not been very long out of the active practice of the profession of law, but I have been out of it long enough for text writers to commence a series of publications on a new classification of law. There is no new law in it, but the classification is new. All these orders and regulations about which we have been talking are now classified by the text writers as administrative law, and a number of books have been written on this subject quite recently. I have before me one by Fairlie. I read from it at page 32, where he discusses this subject:

Military powers.—The President is by the Constitution Commander in Chief of the Army and Navy, and also of the State militia when in the service of the United States. Congress, however, has the power of declaring war and of military legislation. It is thus difficult, if not impossible, to draw a strict line of demarcation between the authority of Congress and that of the President. But the general principles of demarcation can be indicated, and in practice there have been very few important conflicts. Congress regulates whatever is of general and permanent importance, while the President determines all matters temporary and not general in their nature.

It is by virtue of that rule, by virtue of that principle, Mr. President, that Congress, within the exercise of its constitutional power, undertakes to regulate not only how men shall be enlisted when an army is raised, on what terms and conditions and for what length of time, what they shall be paid for their services, but also undertakes to regulate how men shall be discharged. It is just as much a permanent rule to regulate the discharge as it is to regulate the enlistment. Nobody will contend that anyone but Congress has constitutional power to raise an army. No one should contend that with respect to anything permanent in the nature of regulation anybody but Congress has the power to act. If it be true that the powers of the Commander in Chief under the Constitution of the United States are not the powers of the British King; if it be true that his powers are only those deduced from the Constitution; if it be true, as Mr. Hamilton says, that he is but the first general, then it follows, Mr. President, that he has no so-called inherent power with respect to discharges; and he has never pretended to exercise the inherent power to grant discharges as President of

the United States from the beginning of our Government down to this day. He never undertakes to discharge a man from the service in time of peace except in accordance with the rules prescribed for the government of discharges by Congress or by Army Regulations promulgated by the President through the Secretary of War, by virtue of authority from Congress. I might read at greater length to the same effect on that subject.

Mr. SPOONER. Mr. President, will the Senator allow me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. FORAKER. Certainly.

Mr. SPOONER. The Senator does not understand me as taking a position which contravenes what he has just read?

Mr. FORAKER. I do.

Mr. SPOONER. Well—

Mr. FORAKER. I understand the Senator to say—and I understood him to say it in so many words—that the Commander in Chief, by his inherent power, without regard to the statutes, had authority to discharge a man from the service if he thought the good of the service required it, without regard to a regulation of Congress on the subject.

Mr. SPOONER. On the contrary, Mr. President, I said that it was not necessary in this matter to discuss that question.

Mr. FORAKER. I know that is what the Senator said.

Mr. SPOONER. And I did not discuss it.

Mr. FORAKER. Well, but the Senator certainly made the statement I refer to.

Mr. SPOONER. I said it was unnecessary to discuss the question, because the President proceeded under the act of Congress.

Mr. FORAKER. Certainly; but the Senator had spoken of the inherent power of the President, indicating the opinion that, in the exercise of his inherent power without any statutory provision, the President may so discharge a man; but he did add—and I should have added that in the statement of what the Senator said when I quoted what he said on the point to which he was addressing himself when he took exception to a portion of my remarks—he added that it was not necessary now to discuss that, because the statute of Congress so provided. Then the Senator went on to challenge all who believed that the President had this statutory power, to point out wherein it had been limited. Now, I am going to tell you wherein it has been limited, according to the opinion I have about it. I say I am at a disadvantage when I undertake to quote the Senator, because he speaks with such an entertaining manner, so elaborately, and so forcibly, and on this occasion he spoke at such length that it is impossible for me, two days afterwards, without having a chance to look at the text of his remarks, to be sure that I am quoting him accurately.

Mr. SPOONER. If the Senator will permit me, I should have been very much delighted to have printed my remarks in the Record the next morning, but I did not have an opportunity to read them until last night on account of the pressure of other business.

Mr. FORAKER. I am not finding any fault with that. I only referred to it by way of apology for myself. That is all.

I want to call attention to another late work, by Goodnow, on this same subject. These are modern works. At page 86, after fully discussing this subject—I am going to read very briefly, because it is not necessary to read it at length—it is sufficient to say that it agrees entirely with every authority that I have quoted—with Fairlie, with Hamilton, with 16 Peters, with O'Brien, and with all the other cases. At the foot of page 86, after fully discussing the question, he says:

Furthermore, such executive regulations, whether issued by the President or by heads of Departments acting under his direction, must conform to the law, else the courts will refuse to enforce them.

He cites 106 U. S. Reports, 466, the case of *Barlow v. Jones*, the syllabus of which reads as follows:

1. Animals specially imported from beyond the seas for breeding purposes are not subject to duty.
2. The Secretary of the Treasury has no authority to prescribe a regulation requiring that before admitting them free the collector shall "be satisfied that they are of superior stock, adapted to improving the breed in the United States."

The Chief Justice delivered the opinion of the court, in which he said that it was competent under the law for the Secretary, with the approval of the President, to establish such regulations as had been established because the law authorized it, but that there was no power anywhere in the Secretary to prescribe a regulation, or in the President or in anybody else, that added to the law or took away from it. Therefore, when they said a certain class of animals might be admitted duty free, the Secretary could not add another necessary qualification to exempt them from duty.

Now I come to the challenge the Senator gave to point out

any limitation upon the power conferred by article 4 of the Articles of War upon the President. It has been quoted so often that I suppose I need not quote it again, but if I can find it perhaps I had better do so.

Mr. TILLMAN. I have it here and will hand it to the Senator.

Mr. FORAKER. I thank the Senator.

The fourth article of war provides as follows:

No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

The Senator argues that this is a broad and unqualified conference of power, by this fourth article of war, upon the President to grant discharges; and on its face it is. He challenges us to point out any limitation upon it. Mr. President, that is the easiest thing in this whole debate. This limitation upon the President is found in all the articles providing for courts-martial, especially the sixty-second article of war. It is in one article after another, as I have heretofore pointed out. It is in these articles provided that for this and that and the other offense, enumerating every possible offense that could be foreseen and thought of beforehand that a soldier was likely to commit, he should be subject to trial by court-martial, and his punishment should be such, and only such, as the court-martial might direct. Then we have the sixty-second article. It is the omnibus article, which provides that any other offense that a soldier may commit, not specified, shall be punishable after a trial by court-martial in such manner as the court-martial may direct.

The point that I contend for is this, Mr. President, that where an enlisted man is charged with a crime, charged with an offense that is cognizable under the Articles of War, and with respect to which he is entitled to trial by court-martial, neither the President nor anybody else has the right to take the law as to that offense into his own hands. He has not the right, because in the contract of enlistment that the enlisted man enters into, it is expressly provided that he shall be ruled and governed in accordance with the Articles of War.

Mr. CULBERSON. Mr. President, will the Senator allow me to interrupt him for a question?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. CULBERSON. Mr. President, it is conceded that one of the crimes committed at Brownsville, by soldiers or otherwise, is murder, which is a capital offense under the laws of Texas. I call the Senator's attention to the fact that article 62, which he says governs all crimes, especially excepts capital cases.

Mr. FORAKER. Certainly it does. I have already pointed that out and commented on it; not on this occasion, however.

Mr. CULBERSON. I want to ask the Senator, in view of the fact that there is absolutely no provision in the Articles of War punishing capital cases, does he deny that the President has authority to discharge from the Army a murderer?

Mr. FORAKER. I deny, Mr. President, that the President of the United States has any authority whatever with respect to discharges from the Army, except only that which is conferred upon him by statute. The power conferred upon him by the fourth article is to be construed in connection with all these other safeguards which the Congress, in enacting these Articles of War, has seen fit to throw about the enlisted man for his protection. In the case of murder he is entitled to be turned over to the civil authorities to be tried.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. It is one of the provisions, however, of the Articles of War, I believe, that a discharge may be granted on account of conviction in the civil courts. Now I yield to the Senator.

Mr. CULBERSON. I may have misunderstood the Senator, but I understood him to say that the President had no power to discharge in this case, because the punishment of every conceivable crime was provided for by the Articles of War. Now, when I point out to him that capital cases are expressly excepted and that there was a capital offense committed at Brownsville, he says, as I understand him, changing his position somewhat, that because that is punishable by State law the President had no power to discharge.

Mr. FORAKER. Mr. President, I am not changing my position at all. Every conceivable crime is provided for by the Articles of War. It is provided how, if a soldier shall be charged with an offense, he shall be tried in every case. He shall be tried by a court-martial, except only in capital cases,

where he shall be turned over to the civil authorities and be tried by them. That is as much a provision for the trial of the man as though the provision were that he should be tried before a general court-martial. There is nothing different in principle. The Articles of War have carefully provided for every conceivable case, for that case to which the Senator calls my attention, as well as for all other cases.

Mr. President, all these provisions of the Articles of War are, therefore, I say, limitations upon the broad, unqualified power conferred by the fourth article. That is the contention I made in the first remarks that I offered here, and the contention I have been making ever since.

So it is about the regulations. The regulations are made by the President and promulgated by him through the Secretary of War. They are made for the government of the Army. But, Mr. President, they are not made by virtue of his power as Commander in Chief; they are made by virtue of the fact that Congress has authorized the President to make them by express statutory provision. That duty is intrusted to him; and when he makes regulations and promulgates them it is the duty of Congress to take notice, and the Supreme Court has held that if Congress does not take exception to the regulations that are thus promulgated they have the same force and effect as law. It is competent for us at any time to take exception. Therefore, it is, Mr. President, that the provision with respect to discharges without honor is another limitation upon the power conferred by the fourth article of war.

But, says the Senator from Wisconsin, the President who promulgates these Army regulations to-day may to-morrow, when occasion arises, override them with a new regulation. That is the effect of what I understood him to say. Mr. President, that is a rather startling legal proposition for a free and constitutionally governed people to accept. I have never heard of but one instance, in modern times, at any rate, of any supreme authority of the state undertaking to override in the afternoon what was law in the forenoon without legislative intervention, but simply by executive power. The official to whom I refer was the late Oom Paul, president of the Boer republic. I do not know whether the facts were as charged or not, but in the indictment against him was that charge that if the law did not suit him when he came to apply it to a case, he forthwith changed it, and then applied it in its changed form, making the law from day to day, if he saw fit, just what he wished to make it. Is it possible that we are to have that kind of law-making in this country? I take it not even the President would stand for that sort of a contention, much as he might like to make the law fit this particular case.

Mr. President, the President can not do it, for this reason: There is a limitation upon his power in that respect. Every one of the men discharged by this order was enlisted after the regulation to which I refer—the one hundred and forty-sixth regulation—was put into its present form, and the contract of each man is therefore that he submits to be governed according to the rules and Articles of War; according to the regulations and Articles of War.

Mr. MALLORY. Mr. President—

Mr. FORAKER. In a moment. So it was that in the form in which it now stands that regulation was written into the contract of every one of these 167 men who were discharged. It was a part of the contract; and, being a contract right, not even the President himself could change it. He may change the regulations, and thus affect all men enlisted afterwards, but he could not give it a retroactive effect, so as to enable him to discharge these men in violation of regulations existing when they enlisted.

Mr. MALLORY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Florida?

Mr. FORAKER. Certainly.

Mr. MALLORY. I have listened with a great deal of interest to the Senator from Ohio. If I understand his position aright, it is that wherever the Articles of War prescribe there shall be a court-martial for an offense the President is debarred from discharging a soldier when guilty of such offense?

Mr. FORAKER. Yes, sir.

Mr. MALLORY. How does the Senator account for the approving by himself of the action of the President in discharging some men who had been guilty of fraudulent enlistment and who had deserted, perhaps, without subjecting them to a court-martial? There are some 352 cases, including some of those of which, I understand, the Senator from Ohio approved.

Mr. FORAKER. Mr. President, I take great pleasure in reminding the Senator that I have spoken on that subject explicitly, and I have challenged the War Department, and I have challenged any Senator who wants to speak in opposition

to what I am contending for, to bring forward a single case out of the 352 that are referred to where a discharge was not granted in effect as a favor instead of as a punishment. I gave a number of illustrations. A man comes forward and he petitions to be discharged from the service. There are reasons why his officers may think he is of no value in the service, and they are willing to have him discharged. The case being laid before the President, and the man wanting it, the President discharges him. But now let me suggest to the Senator the reverse of that. If the President, without regard to the state of facts, can discharge without honor, he can discharge without any facts whatever. That is the ultimate result of the argument the Senator contends for, and if he can discharge three companies without any reason except that he so wills, he can discharge the whole Army simply because he wishes to do so.

Mr. MALLORY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield further to the Senator from Florida?

Mr. FORAKER. Certainly.

Mr. MALLORY. If the President is required by law to subject any man who violates one of those articles to a court-martial, it does not lie in the province of the President to grant any favor or to permit a discharge simply because he chooses to oblige a transgressor. The Senator approved both of the cases to which I have referred, and yet fraudulent enlistment and desertion are punishable specifically by court-martial.

Mr. FORAKER. Certainly; but if the soldier, as I have heretofore said repeatedly in this debate, denies the charge that he was fraudulently enlisted or that he deserted, and stands upon his rights, the President has no power, except only to court-martial him, for such is the law. But if the soldier says, "Yes; I did make a misrepresentation; I am sorry for it; I want to get out, and I am willing to take a discharge without honor," then the President has power to give it.

Mr. President, the point is that a discharge without honor is limited necessarily, because of the construction that we must give to the other articles of war, to cases where a man is discharged, not as a criminal or because by Executive order he has been found guilty of a crime, but where he comes and makes no contention, but submits and accepts, and is willing to accept, and is usually glad to get, a discharge "without honor." It is a matter of favor and not of penalty.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. If there be in the 352 cases one different from what I have said, then let somebody produce it. Now, I yield to the Senator.

Mr. TILLMAN. I want to suggest to the Senator that the word "given" in the fourth article—providing that no discharge shall be "given"—exactly fits his own contention and confirms it.

Mr. FORAKER. Yes.

Mr. TILLMAN. And absolutely makes it certain that that is the only method by which a discharge can be given. It is a discharge made not by order, as for a punishment, but given as a matter of grace.

Mr. FORAKER. I am very much obliged to the Senator for calling my attention to that word. It does support the contention. But, Mr. President, if the word "given" were not there, but some other word, it would have the same general effect. Of necessity, we would have to conclude, if we gave effect to the other articles of war, that where a man is charged with crime and denies it and stands upon his rights, he has a right to trial, and there is no power lodged anywhere to say he is guilty and order him to be dismissed; there is no power lodged anywhere to indict a man by order, try a man by order, convict a man by order, and then punish him by order.

Mr. President, there is another limitation upon the power of the President, and that is the spirit of American institutions that runs through all our legislation and all our political relations—the spirit that every man somewhere and some time and in some manner shall have his day in court when charged with crime. That, Mr. President, has been the law of the world from the beginning of civilization.

I am reminded of the trial of Paul before Agrippa. You remember that Festus reported the case of Paul to Agrippa, and that he declined to punish him or to find him guilty of any offense until he had a chance to be heard. I read verses 14, 15, and 16 of the twenty-fifth chapter of the Acts of the Apostles:

14. And when they had been there many days, Festus declared Paul's case unto the King, saying, There is a certain man left in bonds by Felix.

15. About whom, when I was at Jerusalem, the chief priests and the elders of the Jews informed me, desiring to have judgment against him.

16. To whom I answered, it is not the manner of the Romans

to deliver any man to die, before that he which is accused have the accusers face to face, and have license to answer for himself concerning the crime laid against him.

That, Mr. President, has ever been the law of every civilized and every Christian country in all the history of the world. No man shall be convicted of crime until after he has been permitted to face his accusers and cross-examine the witnesses. Is it possible that we, in this twentieth century, with our boasted constitutional liberty, are behind the Romans of two thousand years ago? No; it is elementary, and when in the fifth amendment to the Constitution it was provided that life, liberty, or property should not be taken without due process of law, and then the Army and the Navy were excepted from that provision, the Congress, recognizing the incongruity of such a provision with the spirit of liberty and the nature of our institutions, provided that the enlisted man should have due process of law, should have a right to trial.

What is due process of law? Due process of law is nothing more than being heard and punished according to the law of the land, and so Congress made a law of the land for the enlisted man who had been put outside the provision of the fifth amendment to the Constitution. That law so made by Congress has continued until this day. Does any man need to be told that anything in conflict with the spirit of American liberty and American justice and American right is un-American? Shall a man who has served his country for twenty-six years, who has borne the flag of this nation in battle always to victory, who has an honorable record—as honorable as any man in the public service, from the President down to the lowest—be disgraced before the world, branded as a criminal, without being given a chance somewhere to say to an authority authorized to hear him, "I am not guilty; I have not committed this offense," and prove his contention if he can? If such is the law, it is a shame and a disgrace to the American people.

It was because of this spirit of our institutions that the Congress carefully so provided, and all the more carefully because enlisted men in the Army are under officers who have a certain measure of very autocratic power; under officers frequently far removed from courts of justice and from those to whom the enlisted men could appeal if their rights were being taken away from them. For such reasons has the Congress provided that every man in the Army who is charged with a crime shall have a right to be tried before a court-martial, shall have a right to come and present his defense, if he claims to have one.

All these men claim to have a defense. I do not know whether their defense is good or not. That remains to be seen. I am not going to be drawn into a discussion of the merits of this testimony, although by other Senators there has been much discussion of that character. I am confining myself to the great, broad question that applies to white men as well as to black men. I am not going to belittle and dwarf this question of constitutional power on the one side and constitutional right and liberty on the other by introducing the race problem or any other question that would belittle it. It is a great, broad, living question, and we should deal with it with a sense of that fact.

But the Senator from Wisconsin [Mr. SPOONER] told us in an effort he was making to evade—I do not use that word in an offensive sense—the restrictions of the Articles of War as to trial and the regulations as to discharge without honor, he contended, I say, in order to escape the effects of them, as I understood him always—let that be understood—that no charges have been preferred against these men; that they do not stand charged with anything, in a technical sense. Of course he could not mean in any other. And he says further, "Neither are they so charged nor have they been punished." Let us see if they have not been both charged and punished. Who is it that arraigns these men before the world? The Inspector-General of the Army, General Garlington, is one, Major Blocksom, an inspector, is another, and the President of the United States and the Secretary of War speak to the same effect. What do they say? These are not indefinite men, indefinite individuals. They are the highest officials of the nation. They say to Congress—the President does and the Secretary does, and they cause the Army officials to say the same thing by transmitting their reports—that some of these men have committed murder, many of them have committed perjury, all of them possibly have committed misprision of felony by refusing to tell what the men say they do not know anything about.

The President tells us of the savagery of these men, of the brutal crime they committed, of the murder they committed. He speaks of them in his last message as midnight assassins. All these terms are justifiable when the men are shown to be guilty and to the extent they are shown to be guilty, but I am not speaking of that. I am speaking of the question whether

or not they are charged by anybody with any offense. Is not that a charge? Is not that an official charge? Is not that the worst possible form of charge that could be made against them?

And the punishment. It is not adequate, everybody agrees, for a murderer if he be found to have been a murderer to simply dismiss him from the Army without his extra pay or with his right to retire on pay taken away from him as a result of it. That is not punishment of an adequate character. But, as I said once before, while that is true, yet it is punishment of the severest character to men who may be innocent of all crime. I have not heard anybody contend that all the men in this battalion are guilty of an offense. I have heard it contended that from fifteen to twenty were guilty of shooting up the town, and that they were all murderers because murder was committed. To the extent that it may be established by testimony, that will be the result. It must be that they had accessories before the fact and accessories after the fact. If they did any such thing as charged, necessarily they had, and those who were accessories before and after the fact are equally guilty, we will assume, at least morally, whatever the local statute may say. That is the character of the charge that is made.

I have before me the President's message, the one he sent to Congress December 19, in which these men are arraigned in this language:

In short, the evidence proves conclusively that a number of the soldiers engaged in a deliberate and concerted attack, as cold blooded as it was cowardly; the purpose being to terrorize the community, and to kill or injure men, women, and children in their homes and beds or on the streets, and this at an hour of the night when concerted or effective resistance or defense was out of the question, and when detection by identification of the criminals in the United States uniform was well-nigh impossible. So much for the original crime. A blacker never stained the annals of our Army.

I ask that the remainder of the paragraph, as I have marked it, be incorporated by the Reporter in my remarks.

THE VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

It has been supplemented by another, only less black, in the shape of a successful conspiracy of silence for the purpose of shielding those who took part in the original conspiracy of murder. These soldiers were not schoolboys on a frolic. They were full-grown men, in the uniform of the United States Army, armed with deadly weapons, sworn to uphold the laws of the United States, and under every obligation of oath and honor not merely to refrain from criminality, but with the sturdiest rigor to hunt down criminality; and the crime they committed or connived at was murder. They perverted the power put into their hands to sustain the law into the most deadly violation of the law.

Mr. FORAKER. Mr. President, I do not wish to detain the Senate unduly, so I shall hurry along.

It is said, "Now, what are you going to do if you have an investigation?" It will be time to cross the river when we get to it. I yesterday stated that one purpose of this investigation was to give these men the opportunity, if any of them can avail themselves of it, to show that they have no responsibility whatever for this crime, and that they have not committed the offense of withholding knowledge, for they have no knowledge. I do not know how many of them can show that they are without offense in that and in every other particular. But I am sure, from what I have been advised of, that many of them can; the great majority of them can. If so, it is our duty to establish that fact, to the end that the President may, as he has said he would do in such a contingency, act with favor in the reinstatement of these men and the restoration of them to all rights which they have improperly lost by reason of his order including innocent men.

That is true without regard to the evidence which has been sent here, taken recently by Mr. Purdy. I am not going to comment on that now. I have not read it all yet, but I have read most of it. But when I have read it all, at a later day and at a more appropriate time I shall have something to say about it. For the present I want to say with respect to it that it does not relieve this case from the objections that I have been urging against the procedure leading up to the discharge of these men, because this testimony was taken ex parte—taken by officials who were sent there by the President to investigate and to secure testimony without these men themselves or through any representative having an opportunity to defend, to appear, to cross-examine. We do not in that way convict men of crime in this country, not even soldiers. The lowliest citizen, the humblest man, is entitled to his day in court, and that is true though he may be a soldier in the United States Army. His court will be a military court instead of a civil court. That is the only difference.

Now, I think we ought to have this investigation on the President's account, to the end that he, upon testimony properly taken, where everybody has a right to be heard, may be sustained and vindicated if the testimony shall have that effect;

for the credit of the Army, without regard to what the result may be; for the sake of common decency, and to be in accord with the spirit of American institutions.

Mr. NELSON. Will the Senator from Ohio allow me to interrupt him for a minute?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. FORAKER. Certainly.

Mr. NELSON. I desire to call the Senator's attention to the fact that all that evidence is confined to the issue whether these men committed that raid, and not whether there was any misprision of the crime.

Mr. FORAKER. The Senator is exactly right; and on that point General Garlington says he thinks probably there is a conspiracy of silence, but there is no evidence whatever to show it. That is almost his exact language, I believe. It is quite as strong, at any rate.

Now, I want to come to something else, and I desire to hurry through. I have been amazed at the feeling that breaks out in this country whenever something is done which involves the colored man, especially if it be some injustice or wrong to him. If my colleagues on the other side will allow me to say so, it is most surprising to me, in connection with lynchings in the South and, for that matter, also in the North. It does not seem to be enough to put a man to death outside the law—without waiting for the law—but it must be done with brutality. He must be burned at the stake, as has been done in some instances, or the poor victim is put to some horrible torture in connection with his lynching, frequently something that would disgrace Indian savages.

Now, that spirit has been cropping out here to some extent. The Senator from South Carolina [Mr. TILLMAN] the other day, in speaking, told us what had happened at Athens, Ohio. I do not want to comment upon that except only to call attention to the fact that the Secretary of War did in that case what I think it was right and proper for him to do, notwithstanding the protests that were made against it. When he was informed that some soldiers had been engaged in the shooting up of the town of Athens; that they had shot a corporal of the provost guard and killed him and severely wounded a sergeant and two or three others, I believe, and that the men had been arrested and that their cases were to be brought before the grand jury, and that they would be put on trial for murder, the Secretary of War directed the Judge-Advocate-General to send one of his staff to Athens to defend those men, and the Attorney-General of the United States was importuned to have the district attorney for the southern district of Ohio, in which Athens was situated, to attend and care for and protect and look out for and defend the rights of these men. And the Judge-Advocate-General appeared and the district attorney, by his assistant, appeared.

All that was done by the Government, and when General GROSVENOR, as it has been shown by the evidence put in the RECORD, wrote to the Secretary of War protesting against the Government intervening to defend murderers, as he charged these men with being, the Secretary of War said he justified his action on the ground that an enlisted man, when he gets into trouble of that kind, should be treated as in some sense a ward of the Government because of his helpless condition. The Government did everything in its power to see that they were protected. The testimony was marshaled to show their innocence in so far as it could be. The men were finally tried and some of them were convicted, and one of them is now in the penitentiary of Ohio.

Mr. President, that rule was not followed in this case. If anybody can think of anybody more helpless than a discharged, discredited negro soldier in Brownsville, I would like to know who it would be.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. CULBERSON. I simply rise, in view of the statement of the Senator, to remind him that the assistant district attorney for the southern district of Texas was sent at the request of the Secretary of War to see that these men had a fair trial at Brownsville.

Mr. FORAKER. If that be true, I stand corrected, and I am much obliged to the Senator for calling my attention to that fact. This is the first time I have heard of it, and if there is anything of that nature in this record I would be obliged if the Senator would point it out. I have overlooked it if there is.

Mr. CULBERSON. The report of the assistant district attorney is in the record.

Mr. FORAKER. I have overlooked it.

Mr. CULBERSON. His name is A. C. Hamilton.

Mr. FORAKER. Yes; since the Senator mentions the name, I recall there is something of the kind in the record.

Mr. CULBERSON. It was quite early.

Mr. FORAKER. Perhaps so; but what I am talking about is what is being done now. Men are being sent, a representative from the Department of Justice and a representative of the Army, to Brownsville, what for? To get testimony that would look to the defense of these men in any contingency? They claim they are innocent. They make a claim that the men at Athens could not and did not pretend to make. These men claim they are innocent and swear they are innocent, and because they have all sworn they are innocent, and because the testimony first sent to Congress seemed inadequate to justify the action that had been taken, officers of the Government are sent there to secure and send here testimony looking to their conviction. Their defense and testimony for them receive no consideration whatever.

Now, Mr. President, that is not all. They sent to us in the President's message what purports to be a history of the Twenty-fifth Infantry, and the Senator from South Carolina [Mr. TILLMAN] in his speech the other day—and he must not take exception to the fact that I take exception to something that was said by one who is assisting, as he announced, in the trial of this case—the Senator took occasion to say that the record sent to the Senate by the President of the United States as an exhibit to his message shows that these discharged men are a set of brutal, murderous, cutthroats, or something like that. I can not quote his language exactly, but that is the effect of it. I know he used the word "cutthroats" and I know he used the word "brutal," and I know he used the word "murderous." How many other adjectives he employed I do not recall. That is what he said. Other Senators have spoken to the same effect. Quite a number have told us that they were vicious, that they were brutal, that they ought to be called the "Bloody Twenty-fifth," and so forth, and so on.

Let me call the attention of Senators to the fact that not a single man of the 167 discharged had anything whatever to do with any one of the offenses recited in this record of the Twenty-fifth—not one of them—nor did any one of the companies of this battalion have anything to do with any shooting affray in all the forty years this regiment has been in existence. Let me analyze this record. It is set out here with great particularity, and I call the attention of every Senator to it. In this record, at page 315, is given first an official account of the shooting affair at Sturgis City, Dak. I can not read it. It is not necessary. There was a shooting affray, denominated properly by that name. One man was shot and killed, and it was a murder, and there was no excuse for it, and I would not stand here to extenuate to the extent of one iota the crime committed by the men who did that shooting; and yet there were extenuating and provoking causes that led to it. But let it stand as murder committed by those men. But who were those men? They all belonged to Company H, of the Twenty-fifth Infantry. Not one of them belonged to Company B, C, or D, and that happened in 1885, twenty-two years ago. Every man connected with that shooting long ago was mustered out of the service, some after they had been tried and convicted for that crime.

But, while I will not stop to read that, let me in justice to this much-abused regiment, read what Gen. Alfred H. Terry saw fit to say in his official report on that subject. At page 359 of Senate Document 155 there will be found his official report. He was the commanding officer. He said:

I have had much experience with colored troops, and I have always found them as well behaved and as amenable to discipline as any white troops that we have. The characteristic submissiveness of their race is manifested in the readiness with which they yield to military control.

They are much more temperate than our white troops, and crime and disorders resulting from intoxication are comparatively rare among them.

Passing over a few paragraphs, he says, further:

I take it for granted that in the Territory of Dakota the keeping of houses of ill-fame is prohibited by law, but notwithstanding the law there are in the town two brothels which would appear to have been established for the express purpose of catering to the taste and pandering to the passions of the colored troops, for they are "stocked" with colored prostitutes—negresses and mulattoes.

They are, I am assured, places of the vilest character, and it was at one of them that the affray of September 19 occurred. Had no such place existed it is most improbable that any affray would have occurred, and if the people of Sturgis City suffer such places to exist they must, I submit, expect the natural result of their existence—frequent broils, and from time to time the commission of the most serious crimes. And I submit further that until the people of the town shall have suppressed these dens, which equally debauch the troops of the post and threaten their own safety, they will not be in a position to ask the Government to change its garrison.

Now, that is one. There was a shooting. There was a man killed. I do not pretend to extenuate or to apologize for it.

Only as an act of justice I read what the commanding officer said about it, and every man knows that we never had in the United States service a more conservative, conscientious, and capable man to judge honestly than Alfred H. Terry, a major-general of the volunteers during the civil war and a brigadier-general at the time when this shooting affray occurred.

Moreover, there was a board appointed in that case. Did the President of the United States, by order, discharge somebody because of that shooting? No; they convened a board of inquiry and they investigated it. There was the same effort there to conceal as is charged here, but when the trial came on the guilty parties were discovered. The testimony established the guilt, and they were all brought to punishment.

What is the next case? One of these bloody shooting affrays, the only one that any one of the companies of this battalion had anything to do with. It happened at San Carlos, in Arizona. It was not a shooting scrape at all, but a case where some men of Company C got into a sort of fist fight with some of the Indians stationed at that agency, and the soldiers got the better of the Indians and beat them up pretty badly with clubs; but there was no shooting. Nobody was armed on either side. There was nothing in connection with that occurrence that has not occurred a hundred times in connection with white companies and white regiments. I pass that by as not worthy of any further comment.

Mr. SPOONER. The men were identified in that case and punished.

Mr. FORAKER. Certainly. And now the Senator suggests to my mind an important point. I said here the other day that if, out of the 170 men then belonging to this battalion stationed at Fort Brown, 16 to 20 of the number had organized a raid, had plotted a shooting up of the town, and then carried it out in the way indicated, of necessity they must have accessories before and accessories after the fact; and it seemed to me utterly impossible that a crime of such magnitude, with so many men engaged in it, could be carried out in the way indicated and they or some of them not be discovered by anybody.

But it is said the colored men were in a conspiracy and they would not discover them. It is conceded that the white officers—the commissioned officers—were not in the plot. They were present. Immediately after the firing commenced they repaired to the barracks and saw the men formed in line, and stood by while the roll was called. It has been said that the roll was carelessly called. I do not think so. I know enough of what the facts are to believe that it was carefully called and every man was there, and that the roll was practically called before the firing ceased, and that the commissioned officers stood by the side of the orderlies who were calling the roll, and that they were on the alert, especially to see anybody who might be approaching from the city, from which point they thought they were being attacked. No commissioned officer saw anybody come and join the ranks.

Does anyone contend that sixteen or twenty men who had been 300 yards, or whatever the distance may be, down in the town shooting up the town, in the state of excitement they would necessarily be under, could come after the firing rushing back to the garrison, pass around the barracks, join the companies, and form in line in front of the barracks and not be detected by the commissioned officers or by the noncommissioned officers who called the roll?

Mr. President, this may amount to nothing in the final result, but now it amounts to this: It is such an extraordinary thing that I was justified in saying, as I did the other day, that you may search the history of criminal jurisprudence in vain from the beginning of the world to this time to find anything like it successfully carried out with nobody to tell it, not a clew to be found to convict any one of the men. You will search in vain for anything like it. At Sturgis City and at San Carlos and all the other places where the conspirators killed somebody they undertook to conceal their crime, but in every instance the crime was detected. Witnesses were found. They were found because the men were guilty. "Murder will out" to-day as much as when that fact was first announced. But so much for that.

Now I come to another case, the third, the shooting at Winnemucca; and I want the attention of Senators, because I have a rather unpleasant duty to perform with respect to this alleged shooting. The resolutions of the Senate were sent to the War Department and to the President, calling for all the facts relating to these discharges and calling for the history of this regiment. In response we got, among other things, what purported to be a history of the shooting at Winnemucca. The record of the shooting at Winnemucca, as shown by this record, consisted of a report made by S. W. Groesbeck, Judge-Advocate-Gen-

eral of the United States Army; a recommendation by William R. Shafter, major-general commanding, two or three short affidavits, and a very extended sensational newspaper account of the shooting. The upshot of it all, according to the report made by the Judge-Advocate-General and this newspaper account, is that not Companies B, C, and D, but Companies L and M, of the Twenty-fifth, with Company K, of the Twenty-fourth, were on their way to the Philippines. They stopped at this little place in Nevada, called Winnemucca, and the officers went from the train to get their suppers. It was about 7.30 in the evening. While they were getting their suppers a report was brought to them that there was a shooting affray occurring in a saloon. They immediately repaired to it, but found that all the men who had been at the saloon had returned to the train. The newspaper account goes on to tell how the men went into that saloon, a little place 20 by 20 feet, which had a bar, with tables and chairs. There could not have been very many men in it. They seemed like a good many perhaps. They went in to get some refreshments, and they got into some kind of a squabble, and one of them whipped out his revolver, as the newspaper says, and shot the bartender and seriously wounded him. The troops were immediately inspected. No guilty man could be found among them. No gun could be found that had been discharged and no revolver that had been discharged. The troops had to hurry on, although they were kept there some hours. In due time they went on board the transport at San Francisco; and when they were on the Pacific Ocean, without anybody to represent them, the Judge-Advocate-General who makes this report was sent to Winnemucca, and he there got an ex parte statement, such as had been published in the newspapers; and his report was made in accordance with that. General Shafter, reviewing that report, recommended that these companies be fined to the extent of \$250, and there the record sent us stops.

Well, I read it over and I thought I would like to know whether that fine was paid. Somehow or other it seemed to me that possibly something had been omitted, and so I wrote to the Secretary of War calling his attention to this state of the records, and inquiring whether or not there were any more correspondence or orders and documents of any kind on file in the War Department having reference to this shooting.

In answer to that in due time I received the following, inclosed in a letter from the Secretary of War, giving additional information in regard to that shooting. I ask that it may be printed in full in my remarks as a part of the same.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

UNITED STATES SENATE,
Washington, D. C., April 6, 1903.

Hon. ELIHU ROOT,
Secretary of War, Washington, D. C.

DEAR SIR: I inclose two letters from Mr. Bert Klucny, of Winnemucca, Nev., a constituent of mine, relative to a claim he and others have for depredations committed by some negro troops, en route to the Philippines, at Winnemucca. The letters will give you all the information I have regarding the matter. Will you kindly advise me whether such claims have ever been filed in your Department; and if so, what disposition has been made of them? Kindly return the letters with your reply, and greatly oblige,
Yours, respectfully,

FRANCIS G. NEWLANDS.

[First indorsement.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 13, 1903.

Respectfully referred to the commanding general Department of the Missouri, Omaha, Nebr.

The records of this office show that while passing through the town of Winnemucca, Nev., certain members of Companies L and M, Twenty-fifth Infantry, committed depredations upon the property belonging to one C. W. Deiss and one Bert Klucny, citizens of the town in question, and that upon the recommendation of the Judge-Advocate-General certain papers on the subject (249375 A. G. O.) were referred to the commanding officer Twenty-fifth Infantry, through the Division of the Philippines, on August 14, 1899, for the purpose of appointing a board of officers to endeavor to ascertain, if possible, the perpetrators of the outrage.

The Secretary of War desires to know what action, if any, has been taken on this paper.

By command of Lieutenant-General Miles:

WILLIAM ENNIS,
Lieut. Col., Artillery Corps,
Assistant Adjutant-General.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Omaha, Nebr., April 16, 1903.

Respectfully referred to the commanding officer Twenty-fifth Infantry, through commanding officer Fort Niobrara, Nebr., for the information called for in the first indorsement.

By command of Major-General Bates:

E. J. McCLERNAND,
Major of Cavalry, Adjutant-General.

[Third indorsement.]

HEADQUARTERS TWENTY-FIFTH UNITED STATES INFANTRY,
Fort Niobrara, Nebr., April 18, 1903.

Respectfully referred to Capt. A. B. Shattuck, quartermaster Twenty-fifth Infantry, for a full and complete report of the circumstances referred to within.

By order of Colonel Bowman:

J. D. LEITCH,
Captain, Adjutant Twenty-fifth Infantry.

Seven inclosures.

[Fourth indorsement.]

FORT NIOBRARA, NEBR., May 2, 1903.

Respectfully returned to the adjutant Twenty-fifth Infantry, report inclosed. I was relieved from duty with Company L in August, 1899.

A. B. SHATTUCK,
Captain, Quartermaster Twenty-fifth Infantry.

[Fifth indorsement.]

HEADQUARTERS TWENTY-FIFTH UNITED STATES INFANTRY,
Fort Niobrara, Nebr., May 3, 1903.

Respectfully referred to the commanding officer Company M, Twenty-fifth Infantry, for report on separate paper of the circumstances mentioned within as far as can be gathered from records of company or testimony of enlisted men.

By order of Colonel Bowman.

J. D. LEITCH,
Captain, Adjutant Twenty-fifth Infantry.

[Sixth indorsement.]

COMPANY M, TWENTY-FIFTH INFANTRY,
Fort Niobrara, Nebr., May 26, 1903.

Respectfully returned to the adjutant Twenty-fifth Infantry; report herewith inclosed.

J. P. O'NEIL,
Captain, Twenty-fifth Infantry, Commanding Company M.

[Seventh indorsement.]

HEADQUARTERS TWENTY-FIFTH UNITED STATES INFANTRY,
Fort Niobrara, Nebr., May 26, 1903.

Respectfully referred to Capt. S. P. Lyon, Twenty-fifth Infantry, for remark.

By order of Colonel Bowman.

J. D. LEITCH,
Captain, Adjutant Twenty-fifth Infantry.

[Eighth indorsement.]

FORT NIOBRARA, NEBR., June 16, 1903.

Respectfully returned to the adjutant, Fort Niobrara, Nebr., report inclosed.

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry.

[Ninth indorsement.]

HEADQUARTERS TWENTY-FIFTH UNITED STATES INFANTRY,
Fort Niobrara, Nebr., June 21, 1903.

Respectfully forwarded to the Adjutant-General United States Army (through military channels) inviting attention to fourth, sixth, and eighth indorsements hereon, and the three inclosures to these indorsements, being letters from Captains O'Neil, Shattuck, and Lyon, Twenty-fifth Infantry. The records of this regiment show that a board of officers, consisting of Capt. H. A. Leonhauser, W. J. Pardee, and F. H. Albright and First Lieut. C. F. Bates, Twenty-fifth Infantry, was convened on October 14, 1899, to consider evidence in this case and decide what amount of damage should be assessed to companies L and M, Twenty-fifth Infantry, but there is no record of the report of the board ever having been sent through these headquarters.

First Lieut. C. F. Bates, Twenty-fifth Infantry, who is now serving at this post, was recorder of the board in question, and states that on account of the officers composing the board being scattered widely in Luzon it was impracticable to make up the proceedings, so that no report was ever made.

A. H. BOWMAN,
Colonel Twenty-fifth Infantry, Commanding.

[Tenth indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Omaha, Nebr., June 24, 1903.

Respectfully returned to the Adjutant-General of the Army, inviting attention to the ninth indorsement.

W. M. WRIGHT,
Captain, Second Infantry, A. D. C.,
Acting Adjutant-General, in absence of Department Commander.

[Eleventh indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 29, 1903.

Respectfully referred to the Quartermaster-General for remark.

By order of the Secretary of War.

E. R. HILLS,
Major, Artillery Corps, Acting Assistant Adjutant-General.

[Twelfth indorsement.]

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, July 11, 1903.

Respectfully returned to the Secretary of War.
The records of this office fail to show the receipt of any claim for destruction of property and wounding of Christopher Wilhelm Deiss in "Berte" Klucny's saloon, at Winnemucca, Nev.

There is no appropriation applicable to the payment for damages. The only relief for such claimants is in the action of Congress.

C. F. HUMPHREY,
Quartermaster-General U. S. Army.

[Thirteenth indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, July 16, 1903.

Respectfully referred to the Judge-Advocate-General for remark.

By order of the Secretary of War:

E. R. HILLS,
Major, Artillery Corps, Acting Assistant Adjutant-General.

[Fourteenth indorsement.]

WAR DEPARTMENT,
JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, D. C., July 23, 1903.

Respectfully returned to the Adjutant-General.

On June 29, 1899, a troop train carrying portions of the Twenty-fourth and Twenty-fifth Infantry, on their way to San Francisco to embark for the Philippines, stopped at Winnemucca, Nev. Soldiers from this train are alleged to have entered the saloon of one Bert Klucny, to have helped themselves to the contents of the place, to have damaged the premises, and to have shot one Christopher Deiss, an attendant of the saloon.

A letter from Hon. FRANCIS G. NEWLANDS, United States Senate, incloses two letters from Mr. Bert Klucny, in which the latter speaks of having claimed for himself \$5,000 damages and of a claim for \$100,000 made by Christopher Deiss. Nothing is known in this office regarding such claims having been made, and in the twelfth indorsement the Quartermaster-General states that no such claims are on file in this office. It is thought from the amounts mentioned and the circumstances of the case that if these claims were made it must have been with the idea that the United States Government was responsible. For the tortious acts of its soldiers the Government can not be held responsible, and the only remedy apparent might be through the powers given to certain officers under the fifty-fourth article of war.

So far as the measure of damages to the saloon and its contents is concerned, it is on record in these papers that Bert Klucny refused to give a statement of the amount of his loss.

Complaint appears to have been made to the commanding officer of the train at Winnemucca immediately after the fracas occurred, and he appears to have given the local authorities every opportunity to identify the perpetrators of the damage, without result. A complaint appears therein to have reached the commanding general, Department of California, who caused the judge-advocate of the department to make an investigation. The investigation was had at Winnemucca, and a report made on July 13, 1899. As by that time the Twenty-fifth Infantry was on its way across the Pacific, the investigation could only be of an ex parte nature. The conclusions formulated by the judge-advocate in his report are, inter alia, that the shooting of Deiss was not done with a service pistol, and that "the destruction of property and wounding of Christopher Wilhelm Deiss in 'Bert' Klucny's saloon are due to the disorderly conduct and criminal actions of the enlisted men of Companies L and M, Twenty-fifth Infantry."

This report was forwarded to the Adjutant-General of the Army July 15, 1899, indorsed: "... with recommendation that \$250 be stopped from officers and enlisted men of Companies L and M, Twenty-fifth Infantry, and paid to Mr. C. W. Deiss, barkeeper of Bert Klucny's saloon."

"No recommendation for damages to Klucny's saloon should be made, as he declines to state his loss."

How the sum of \$250 as compensation to Deiss was fixed upon is not stated.

The papers appear to have been referred to this office and the then Judge-Advocate-General returned them on August 4, 1899, to the Adjutant-General, with a recommendation that proceedings be taken under the fifty-fourth article of war, in view of the decision of the Department in the Palmer case (1895, A. S. O. 28574), and suggesting that the procedure established for such cases in General Orders, No. 35, Adjutant-General's Office, 1868, be followed, and a board convened by the commanding general, Department of California, to assess the amount of damages, etc., and that when assessed the amount be stopped against the guilty individuals or, if the Palmer case be taken as a precedent, against the organizations some members of which appear to have committed the depredations.

The matter now comes up under the letter of Senator NEWLANDS.

This letter was referred to the headquarters of the Twenty-fifth Infantry at Fort Niobrara, and from thence to various officers of the regiment having a knowledge of the case. From the ninth indorsement, by Col. A. H. Bowman, Twenty-fifth Infantry, returning the papers, we find that a board was convened on October 14, 1899, to consider evidence in the case, but that there is no record of the report of the board ever having passed through regimental headquarters. From the recollections of Lieutenant Bates, who was recorder of the board, Colonel Bowman is informed that, owing to the members of the board being scattered in Luzon, it was impracticable to make up the proceedings, and no report was ever made.

It is to be regretted that this board did not report, and it is surprising that, having been once formally detailed, the board was allowed to disregard its orders and drop out of sight.

Over four years have elapsed since the occurrence at Winnemucca. The term of enlistment of every man on the troop train has expired. The report of Captain O'Neil, Twenty-fifth Infantry, shows that there were but nineteen men in company M, Twenty-fifth Infantry, in May 26, 1903, who were in the company on June 29, 1899, and that none of them were present during the trouble at Winnemucca. It is probable that a similar condition obtains in Company L.

Under these circumstances there seems to be nothing that can be done looking toward "making reparation from the offenders' pay."

It would be out of the question, in the absence of any identification of the actual culprits, to stop at this date an amount from the pay of the two companies involved.

It is recommended that Senator NEWLANDS be advised that there are no claims on file in the Department made by Bert Klucny or by Christopher Deiss, and that after considering the data available in the case it is not thought that anything can now be done by the Department looking toward granting compensation either to Mr. Klucny or to Mr. Deiss for what damage they may have suffered.

GEO. B. DAVIS,
Judge-Advocate-General.

[Fifteenth indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, July 27, 1903.

Respectfully returned to the Secretary of War with report as directed on the first fold of this paper.

W. P. HALL,
Acting Adjutant-General.

FORT NIobrARA, NEBR., April 30, 1903.

The ADJUTANT TWENTY-FIFTH INFANTRY.

SIR: In compliance with instructions from your office, I have the honor to submit the following report relative to the affair at Winnemucca, Nev. The train bearing Companies L and M, Twenty-fifth Infantry, and K, Twenty-fourth Infantry, arrived at this town about dark June 29, 1899. The majority of the officers, myself included, proceeded to the nearest eating house for supper. During the meal a citizen entered the room and reported that the soldiers had wrecked a saloon and shot a man.

All the officers immediately left the room, and I proceeded at once to the cars occupied by Company L, Twenty-fifth Infantry, which company I commanded.

The men were in or about the cars, quiet and orderly; the street was filled with citizens, and more or less excitement prevailed. In a few minutes the commanding officer ordered me to form my company. It was formed outside the car, roll called, all were present, and the men were then carefully inspected by several of the citizens, who claimed they could identify the men who had done the shooting. I accompanied them, questioned the men, and gave all possible assistance to locate the guilty parties. Sergeant Smith, an old soldier with an excellent record, was recognized as having been in the saloon. He admitted it; stated that he went there immediately upon the arrival of the train, sat at a table, had some beer, paid for it, and returned to his car, and was in the car when the discharge of firearms took place, and that he had no knowledge of the affair. His statements were corroborated and he was believed. His revolver and ammunition were examined. The revolver had not been fired and his ammunition was as issued. A private named Porter was also recognized as having been in the saloon. It was proved that he sat at the table with Sergeant Smith and that the beer he had was paid for. He also claimed to have left the saloon before the trouble and shooting began. Neither man could give any information on the subject. Twice again the company was formed outside the car and carefully inspected. No one could be identified as having been mixed up in the affair, and none of the alleged stolen articles were found. All the men to whom revolvers had been issued were fallen in, their revolvers inspected by the sheriff and myself; none were found to have been fired and all ammunition was as issued. Suddenly the search for the soldier who had fired the shot which had hit a citizen stopped and a new one begun for a soldier who was said to have stolen some four bottles of beer.

A white recruit traveling in one of the cars occupied by Company L said he was in the saloon at the time, had seen the man take the beer, and could recognize him. The company was again inspected by the sheriff, myself, and the said recruit. He could not identify the alleged thief. We were detained at Winnemucca some six hours. During the time men were quiet and orderly. I asked repeated questions of the various men, all disclaimed any knowledge or participation in the affair, and it was impossible to select any one as having been engaged in the same. I did not enter or go near the saloon in question and know nothing as to its condition at any time. As the commanding officer of Company L, Twenty-fifth Infantry, and being present at the time, it is only fair and just, both to myself and the men to reply to certain statements in the report of the judge-advocate, especially his "conclusions as to the facts," and which he states "of necessity rest upon ex parte information." I am positive had he been present on the night in question he could never have arrived at some of his conclusions. Company L was not allowed to leave its coaches in a body, as might be inferred, page 4, said report. The companies were recruited to an unusual size, and it did not take many colored soldiers at about dark to give the impression that the streets of Winnemucca were crowded. Fewer still, that said saloon was crowded—a room 20 by 20, containing bar, table, and chairs. Company L was the first company to be inspected; when its inspection was over much surprise was evinced when it was learned that this was only one-third of the soldiers present. I never heard a probable estimate as to the number of soldiers in said saloon. When we reached Winnemucca the men had had their supper, the berths were made down, and I have always believed that only a comparatively few men left the train. The impression should not prevail that men of Company K, Twenty-fourth Infantry, were not allowed to leave the train at stations. I was present and saw them.

All soldiers, so far as I observed, conducted themselves well on such occasions. It was a matter of talk in the officers' car, between officers and civilians, that a sergeant of this company was the only person found on the train whose revolver had been discharged, evidently some time before, said to have been at prairie dogs after leaving Fort Assiniboine, and which explanation was, I believe, satisfactory. If the statements of the noncommissioned officers of said company are to receive such weight (p. 4, J. A.'s report), the statements of noncommissioned officers of the other companies present should receive equal weight. At the time and place I heard no statements made by the civilians which relieved from suspicion one company more than another.

The coaches occupied by Company L, Twenty-fifth Infantry, were in rear and nearly opposite said saloon. When the shooting began it would have been the most natural thing for those men off the train to get on at the nearest point, and this is probably just what they did do, and then proceeded to their proper cars.

If any statement was made to the judge-advocate which would give him the impression that the men of Company L had "liberty to leave the train in any numbers whenever it stopped," such information was decidedly ex parte and given with no knowledge on the subject. Company L occupied two coaches, a noncommissioned officer in charge of each and a soldier on duty in each coach at all times. My orders were that no one could leave the train without permission of the first sergeant, that all must go through his car and out the rear door, which was next the officers' car, where they would be the more likely to be observed in getting off and on the train. If conclusion third (p. 5, said report) was derived from this source of information, it was as unjust to me as to the men of the company. It is admitted that the soldiers did no shooting in the saloon. When it was suggested that others be searched, it was remarked that it was against the law to carry revolvers in Winnemucca. Had such a search been made and revolvers

found, it would not have been the first time that such a law had been found to have been broken.

The bullet extracted from the said Deiss was shown to officers in the car. There could be no possible doubt. It was not Government ammunition, neither was it fired from a Government revolver. Christopher Deiss was shot with a small-caliber revolver while standing inside the saloon near the bar. Why soldiers armed with a Government revolver, caliber .38, were so carefully inspected to find the party who had fired this shot I did not understand. It certainly would not have been unreasonable to have inspected the bar and others connected therewith in the attempt to locate party who had fired the shot.

In conclusion, I have never believed that soldiers did the shooting. They had no motive. I have no doubt the bar was overtaxed, that the men were not being served fast enough and began helping themselves, and that then measures were taken to clear the saloon. I think it well understood that barrooms are, as a rule, supplied with firearms, within easy reach for cases of emergency. If any inspection was made of said saloon, I did not hear of it.

The suddenness with which the attempt to locate the party who had fired the shot which might have killed the said Deiss was dropped, not to be again taken up, and a search begun for a soldier who was said to have stolen some four bottles of beer only tended to confirm my impressions and to infer that some of the citizens at least had their own doubts on the subject.

Very respectfully,

A. B. SHATTUCK,
Captain and Quartermaster, Twenty-fifth Infantry.

FORT NIobrARA, NEBR., May 26, 1903.

The ADJUTANT TWENTY-FIFTH INFANTRY.

Fort Niobrara, Nebr.

SIR: I have carefully investigated this case. There are only nineteen men in the company now who were in the company at that date; none of these were present at the disturbance, and their statements are all from hearsay. The first sergeant of the company, Wyatt Huffman, was then first sergeant of the company, and might be able to throw some light on the subject, but he is on furlough and will not return until after the middle of June.

I was not with the regiment at that time.

Very respectfully,

J. P. O'NEIL,
Captain, Twenty-fifth Infantry, Commanding Company M.

FORT NIobrARA, NEBR., June 16, 1903.

The ADJUTANT, TWENTY-FIFTH INFANTRY.

SIR: In compliance with seventh indorsement, I have the honor to submit the following statement regarding the disturbance at Winnemucca, Nev., June 29, 1899.

This affair happened so long ago that my memory is clear only as to certain prominent points, which are as follows:

About dark on the evening of June 29 the train with Companies L and M, Twenty-fifth Infantry, en route to San Francisco, reached Winnemucca. I was at that time adjutant of the Second Battalion, Twenty-fifth Infantry. Shortly after the train stopped most, or may be all, of the officers went to a hotel a short distance from the station for supper. While we were eating a civilian came in and said that a soldier had shot a civilian in a saloon near the station. The officers at once left the hotel and went to the train; when we reached there all the enlisted men who had left the train had returned, and all was quiet.

I did not enter or examine the saloon, or see the man who had been shot.

The district attorney, with other officials of the town, came to the train, and every assistance was given them to identify, if possible, the soldier or soldiers who, they claimed, were involved in the shooting. The troops were turned out three or four times for their inspection, every soldier being present. Although several civilians claimed to be able to recognize the soldiers who were guilty, they were unable to do so.

The bullet extracted from the man who, it was claimed, was shot by a soldier proved on examination not to be a .38 caliber service bullet.

The revolvers in the possession of the men, upon inspection, showed no evidence of having been fired recently.

My opinion at the time was that, while there had been some sort of disturbance in the saloon, it was not proven that the shooting was done by a soldier, nor did the evidence we could gather and an examination of the bullet even indicate strongly that such was the case. This opinion I have had no reason to change.

To the best of my recollection the matter of guards and permitting men to leave cars at the stations was turned over to the company commanders and managed by them, subject to the approval of the battalion commander.

Very respectfully,

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry.WAR DEPARTMENT,
Washington, August 19, 1903.

MY DEAR SIR: The Department duly received your letter of April 6 last, inclosing two communications from Mr. Bert Klucny relative to claims of himself and Chris. Deiss for damages alleged to have been sustained at the hands of United States colored troops while passing through the town of Winnemucca, Nev., en route to the Philippines, and asking if the said claims have ever been filed in the War Department; and if so, what disposition has been made of them.

Replying thereto, I beg to inform you that no such claims are on file in the Department, and, after considering the data available in the case, it is not thought that anything can now be done by the Department toward granting compensation either to Mr. Klucny or to Mr. Deiss for what damage they may have suffered.

The inclosures above referred to are returned herewith, as requested. Very respectfully,

W. SANGER,
Assistant Secretary of War.Hon. FRANCIS G. NEWLANDS,
United States Senate.

Mr. FORAKER. I call attention to the report by George B. Davis, Judge-Advocate-General, on this subject; also a report by Capt. A. B. Shattuck, quartermaster of the Twenty-fifth

Infantry at the time, and also a report of Capt. Samuel P. Lyon, captain of one of the companies. I want to read some of this. All this was omitted, Mr. President, for some reason, when we were given an account of the shooting at Winnemucca. We were given an account which showed that colored soldiers had done the shooting. Now, what does this say? Captain Shattuck in making a report on the subject, dated at Fort Niobrara, Nebr., April 30, 1903, says what I shall read. The regiment had gone to the Philippines and had returned when he was called upon for this report.

FORT NIOBRARA, NEBR., April 30, 1903.

SIR: In compliance with instructions from your office I have the honor to submit the following report relative to the affair at Winnemucca, Nev. The train bearing Companies L and M, Twenty-fifth Infantry, and K, Twenty-fourth Infantry, arrived at this town about dark June 29, 1899. The majority of the officers, myself included, proceeded to the nearest eating house for supper. During the meal a citizen entered the room and reported that the soldiers had wrecked a saloon and shot a man.

All the officers immediately left the room, and I proceeded at once to the cars occupied by Company L, Twenty-fifth Infantry, which company I commanded.

The men were in or about the cars, quiet and orderly; the street was filled with citizens and more or less excitement prevailed. In a few minutes the commanding officer ordered me to form my company. It was formed outside the car, roll called, all were present, and the men were then carefully inspected by several of the citizens who claimed they could identify the men who had done the shooting. I accompanied them, questioned the men, and gave all possible assistance to locate the guilty parties. Sergeant Smith, an old soldier with an excellent record, was recognized as having been in the saloon. He admitted it, stated that he went there immediately upon the arrival of the train, sat at a table, had some beer, paid for it, and returned to his car, and was in the car when the discharge of firearms took place, and that he had no knowledge of the affair. His statements were corroborated, and he was believed. His revolver and ammunition were examined. The revolver had not been fired and his ammunition was as issued. A private named Porter was also recognized as having been in the saloon. It was proven that he sat at the table with Sergeant Smith, and that the beer he had was paid for. He also claimed to have left the saloon before the trouble and shooting began. Neither man could give any information on the subject. Twice again the company was formed outside the car and carefully inspected. No one could be identified as having been mixed up in the affair, and none of the alleged stolen articles were found. All the men to whom revolvers had been issued were fallen in, their revolvers inspected by the sheriff and myself; none were found to have been fired, and all ammunition was as issued. Suddenly the search for the soldier who had fired the shot which had hit a citizen stopped and a new one begun for a soldier who was said to have stolen some four bottles of beer. A white recruit, traveling in one of the cars occupied by Company L, said he was in the saloon at the time, had seen the man take the beer, and could recognize him. The company was again inspected by the sheriff, myself, and the said recruit. He could not identify the alleged thief. We were detained at Winnemucca some six hours. During the time men were quiet and orderly. I asked repeated questions of the various men; all disclaimed any knowledge or participation in the affair, and it was impossible to select anyone as having been engaged in the same.

I did not enter or go near the saloon in question, and know nothing as to its condition at any time. As the commanding officer of Company L, Twenty-fifth Infantry, and being present at the time, it is only fair and just, both to myself and the men, to reply to certain statements in the report of the Judge-Advocate, especially his "conclusions as to the facts," and which he states "of necessity rests upon ex parte information." I am positive had he been present on the night in question he could never have arrived at some of his conclusions. Company L was not allowed to leave its coaches in a body, as might be inferred (p. 4, said report). The companies were recruited to an unusual size, and it did not take many colored soldiers, at about dark, to give the impression that the streets of Winnemucca were crowded. Fewer still that said saloon was crowded—a room 20 by 20, containing bar, table, and chairs. Company L was the first company to be inspected. When its inspection was over, much surprise was evinced when it was learned that this was only one-third of the soldiers present. I never heard a probable estimate as to the number of soldiers in said saloon. When we reached Winnemucca, the men had their supper, the berths were made down, and I have always believed that only a comparatively few men left the train. The impression should not prevail that men of Company K, Twenty-fourth Infantry, were not allowed to leave the train at station. I was present and saw them.

All soldiers, so far as I observed, conducted themselves well on such occasions. It was a matter of talk in the officers' car, between officers and civilians, that a sergeant of this company was the only person found on the train whose revolver had been discharged, evidently some time before, said to have been at prairie dogs after leaving Fort Assiniboine, and which explanation was, I believe, satisfactory. If the statements of the noncommissioned officers of said company are to receive such weight (p. 4, J. A.'s report) the statements of noncommissioned of the other companies present should receive equal weight. At the time and place I heard no statements made by the civilians which relieved from suspicion one company more than another.

The coaches occupied by Company L, Twenty-fifth Infantry, were in rear and nearly opposite said saloon. When the shooting began, it would have been the most natural thing for those men off the train to get on at the nearest point and this is probably just what they did do, and then proceeded to their proper cars.

I have read all that with care, because it is all responsive to the charges that are made against these men in the Judge-Advocate-General's report, which has been sent to us as though a correct and undisputed account of what occurred.

Now, passing over a sentence and coming to the point, he points out how the man who was wounded had the bullet extracted from him, and says:

The bullet extracted from the said Deiss was shown to officers in the car. There could be no possible doubt. It was not Government ammunition, neither was it fired from a Government revolver. Christopher

Deiss was shot with a small caliber revolver while standing inside the saloon near the bar.

So he goes on, Mr. President. I have read enough to show the nature of it. Captain Lyon sustains what Captain Shattuck says; every other officer who makes a report sustains him, and thus it is shown by this testimony that there is no reliance to be placed in the Judge-Advocate-General's report that was sent to us.

Therefore, so far as Winnemucca is concerned, there was no shooting by any member of the Twenty-fifth Infantry, let alone by any member of either Company B, Company C, or Company D, neither of which companies was there. It is not for me to say why this important testimony was withheld when we were asking for the history of these shooting affrays. These helpless wards of the Nation were put in the attitude of having undertaken to murder a man on whose premises they had gone, without at the same time giving us this conclusive testimony to show they had not done any such thing. I make no comment; it is not necessary.

I have shown that at Fort Sturgis, twenty-seven years ago, some men from Company H did shoot and kill a man in a raiding party. I have shown that at San Carlos some men of Company C got into an affray of some kind, without guns or deadly weapons, and had a fight, in which the negroes got the better of some Indians. I have shown that at Winnemucca, where it was undertaken by the records sent us to establish that they did some shooting, they did not do any shooting. I do not have to comment on it. It is not necessary. It speaks for itself.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Certainly.

Mr. TILLMAN. I call the Senator's attention to the statement he made a little while ago as erroneous in regard to all the men having been engaged in these shooting scrapes having been punished. Nothing has ever been done with those who killed a negro woman at Fort Niobrara.

Mr. FORAKER. I am coming to that in a minute, to show you that they did not kill any negro woman at Fort Niobrara.

Mr. TILLMAN. Then, in the name of common sense, what did the War Department mean by sending us all this stuff?

Mr. FORAKER. That is what I want to know. I will show you what it is. That is what I am here for. I will show you what was done at Fort Niobrara in a minute.

But next came a most deplorable shooting affray, that which occurred at Fort Bliss, at El Paso, Tex. There a member of Company A—not one of these three companies—a member of Company A of the Twenty-fifth Infantry was arrested and put in jail. His comrades wanted to bail him out. They would not accept bail. This is at page 352. His comrades went back to camp, 2 or 3 miles distant, and at midnight or later got away from the sergeant in charge of the gun racks the key, went to the gun racks and took out their guns, organized a raiding party of four or five men, marched back to the jail with axes and guns to liberate their comrade, and in the affray that resulted one of the soldiers was killed and one of the jailers was killed.

Now, that was a crime without any excuse at all in law. I am not here to extenuate it. But, Mr. President, General McKibben, known to most Senators as one of the most splendid officers in the Army, made a report upon that, in which he showed there was great provocation. I do not cite that for the purpose of extenuating the crime, but simply that justice may be done, and that these men, who for forty years have stood faithfully to the flag and the honor of their country, shall not, in addition to being denounced as guilty of this particular crime, be branded as a lot of cutthroats and brutal murderers, as shown by the records that are sent here. So much for that.

Now, I come to the last, Fort Niobrara; and what about Fort Niobrara? This regiment was stationed there. Company B was there along with some other companies of the regiment. There was a place a mile and a half distant from the reservation where a drinking place was kept. About midnight some men fired into that place, wounded two people, one of them a colored soldier belonging to Company B, who was sitting there simply a guest in the establishment. Nobody but colored men went there. The country was full of cowboys. There is no testimony to this day who did it. The officer of the day in that case, on duty at the time, hearing the firing and getting a report that there had been an alleged shooting, at once posted extra pickets to detect anybody who might be returning to the camp, and had check roll call, and the guns inspected, and every soldier was there, and every man was there except only one white soldier from Company K of the Eleventh and two men out of the band.

The place that was fired upon was a place that was frequented not by white people, but only by the soldiers of this

command, and if it be an absurdity to think, as Senators have forcibly said it is, that the people of Brownsville could be charged with shooting up themselves, was it not also an absurdity to say that members of this colored regiment would go down and in a wanton way shoot up their comrades who were there at that place of entertainment?

Now, that is all there is of this record. This bloody history, of which we have heard so much, consists of two shooting affrays, and only two, in which anybody was killed, one at El Paso—utterly inexcusable; I do not pretend to extenuate it—and the other at Fort Sturgis, twenty-seven years ago, and in no one of these did any member of Company B or Company C or Company D take any part. The record of these companies, covering forty years, is without a blemish.

Mr. President, that is not all. I have here an official congratulatory order issued to the Twenty-fifth Regiment at the close of the Spanish-American war. I will ask permission to put it in the Record in full. It is embodied in a newspaper article giving the history of the Twenty-fifth Regiment. It is about a column in length. I ask that the whole article be incorporated in my remarks, including this official congratulatory order. I want to cite it simply to show that the order commences with a statement that for the first time in twenty-eight years the whole regiment had been assembled when the Spanish-American war commenced. For twenty-eight years they had been scattered over the country doing duty, a company here and another yonder, or a battalion here and another yonder, perhaps. These units of organization had been as separate and distinct as though they were so many separate and distinct regiments. When the war came the whole regiment was brought together for the first time in that long period, and the record shows that no regiment that went to Cuba won more honor on the field of battle than did the Twenty-fifth Infantry, and no companies in the American Army have a clearer record or a more gallant and heroic record than Companies B, C, and D of that regiment. Not a man of either one of these companies, according to these reports, that are spoken of as a condemnation of the regiment had anything to do with any shooting affray. No one of them had anything to do with any disturbance of any kind except the few men of Company C who got into an altercation with some Indians, where there was no shooting at all, a thing that might happen with any white company and has happened hundreds of times with white companies.

The VICE-PRESIDENT. Without objection, the paper will be printed in the Record.

The matter referred to is as follows:

FACED BULLETS LIKE HEROES—OFFICIAL STORY OF THE TWENTY-FIFTH UNITED STATES INFANTRY AT EL CANEY—COLORED REGULARS PROVED THEIR VALOR UNDER A MURDEROUS FIRE—WAS IN THE NEAREST INTRENCHMENT TO SANTIAGO WHEN THE SURRENDER OF THE CITY WAS MADE.

All the Army made history during the short Cuban war; but the colored regulars in three days practically revolutionized the sentiment of the country in regard to the colored soldier, and as a result more than 100 Afro-Americans are bearing commissions in the United States Army.

The entire colored contingent—the Ninth and Tenth Cavalry and the Twenty-fourth and Twenty-fifth Infantry—did well. It has been said by one who knows: "Not a colored soldier disgraced himself on Cuban soil." Indeed, the converse of this is practically true. Every colored soldier honored himself.

Without desiring to take away one leaf or sprig from the laurels won by the other colored regiments, and with a full recognition of the valor of the entire Army, I invite attention to the following official story of the action of the Twenty-fifth United States Infantry in the Cuban campaign:

I may summarize in advance by saying that the Twenty-fifth was the first regiment to leave its home station, the first to go into camp, was a part of the first expedition to Cuba, and the second to land, and had the honor of digging the intrenchments nearest to the enemy's line. In physique and discipline it was so nearly perfect that only one man from its ranks died on Cuban soil from climatic disease and only two from diseases of any sort. The men are mostly large, many of them being six-footers and weighing, when in good condition, 200 pounds and over, and the standard of intelligence among them and the language used are about up to what obtains in the Army generally. In marksmanship, drill, and general military knowledge and skill they have attained a high degree of efficiency, and, as a whole, are of excellent character and temper.

The present regimental commander is Lieut. Col. A. S. Daggett, a highly accomplished officer, who rose to the rank of colonel in the civil war and was brevetted brigadier-general for gallant and meritorious services in the battle of the Wilderness. He came to the command of the regiment in Tampa but a few weeks before it embarked on the transports for Cuban shores.

The story that I am now to present to the readers of the Herald is woven almost entirely from the official reports and orders of Colonel Daggett, who commanded the regiment most successfully through the fierce fight before Santiago. Anyone who saw the regiment as it passed the camp of the Second Massachusetts on its way to the present camp would have witnessed an open and cordial tribute to its valor. As these worn and dusty—and dusky—veterans swung by the cultivated, well-bred amateur warriors of Massachusetts the young heroes gave them such cheers and applause as soldiers seldom give. "They have a good feeling for us," said a sergeant of the Twenty-fifth to me. "They think you are soldiers," I remarked. "They know we are soldiers," he replied.

The Twenty-fifth, with all the other colored regiments, is known as a band of fighters.

The history of the campaign of the Twenty-fifth is succinctly and graphically told in the following general orders published near Santiago, August 11, 1898:

"Gathered from three different stations, many of you strangers to each other, you assembled as a regiment for the first time in more than twenty-eight years on May 7, 1898, at Tampa, Fla. There you endeavored to solidify and prepare yourselves, as far as the oppressive weather would permit, for the work that appeared to be before you. But who could have foretold the severity of that work? You endured the severe hardships of a long sea voyage, which no one who has not experienced it can appreciate.

"You then disembarked amid dangerous surroundings, and on landing were for the first time on hostile ground. You marched under a tropical sun, carrying blanket roll, three days' rations, and 100 rounds of ammunition, through rain and mud, part of the time at night, sleeping on the wet ground without shelter, living part of the time on scant rations, even of bacon, hard bread, and coffee, until, on July 1, you arrived at El Caney. Here you took the battle formation and advanced to the stone fort more like veteran troops than troops who had never been under fire.

"You again marched day and night, halting only to dig four lines of intrenchments, the last being the nearest point to the enemy reached by any organization, when, still holding your rifles, within these intrenchments, notice was received that Santiago and the Spanish army had surrendered.

"But commendable as the record may be, the brightest hours of your lives were on the afternoon of July 1. Formed in battle array, you advanced to the stone fort against volleys therefrom, and rifle pits in front, and against a galling fire from blockhouses, the church tower, and the village on your left. You continued to advance skillfully and bravely, directed by the officers in immediate command, halting and delivering such a cool and well-directed fire that the enemy was compelled to wave the white flag in token of surrender.

"Seldom have troops been called upon to face a severer fire, and never have they acquitted themselves better.

"The regimental reserve was called upon to try its nerve by lying quiet under a galling fire without returning it, where men were killed and wounded. This is a test of nerve which the firing line can not realize, and requires the highest quality of bravery and endurance. You may well return to the United States proud of your accomplishments, and if any ask what you have done, point him to El Caney."

The history of that part of the battle performed by the Twenty-fifth is further detailed by the regimental commander in his official reports to his superiors. These reports and the orders just quoted from constitute the whole official literature on the subject, and hence the present story may be regarded as both authentic and exhaustive.

According to Colonel Daggett's report the regiment occupied the right of a short reconstructed line, with the Fourth Infantry on its left. To the right of the Twenty-fifth somewhere were about fifty Cubans, but the testimony is that they did not help in the fight.

The firing line of the Twenty-fifth consisted of two companies—H and G. Company D was then ordered to deploy as flankers on the right. This battalion was commanded by Capt. W. S. Scott, and advanced in line with the Fourth Infantry, all being under fire, until within about 500 yards of the fort. Here the line found cover, halted, and delivered an effective fire. At this point the Fourth Infantry was blocked by natural obstacles, and could make no further advance, but continued to pour a telling fire into the fort.

Colonel Daggett ordered an advance, which was quickly made by the Twenty-fifth, but in doing so it broke away from the Fourth, which was halted on its left, and thus separated itself from the brigade and exposed its left to a severe oblique, or nearly cross fire, from the village and blockhouses which were on the left and a little in front of El Caney. Company C was then ordered to reinforce the left of the line, and Lieutenant Kinson's company was called from the reserve to replace Company C in the line of support, thus making five companies in action.

The battalion in this formation continued to advance from cover to cover until it reached a point within 50 yards of the fort. Here these companies opened so cool, steady, and sure a fire that a Spaniard could not show himself but he was immediately hit, and fifteen or twenty minutes before any other troops came up the enemy put out the white flag.

The space, however, between the front of the Twenty-fifth and the fort was so swept by the cross fire from the church and blockhouses on the left that it was impossible for one of our officers to cross to receive the surrender of the fort or for a Spanish officer to bring the flag to our lines.

At the end of about twenty minutes one company of the Twelfth Infantry, which had gotten round to a point where they were thoroughly screened from the fire of both the fort and the village, under protection of the fire of the Twenty-fifth, entered the fort and received the surrender, which the bullets of the Twenty-fifth had brought about. Two of our men—Butler, of H Company, and J. H. Jones, of I Company—entered the fort at the same time with the men of the Twelfth, and while an officer of that regiment received the white flag of surrender, these two men seized the Spanish standard. They were immediately ordered to give it up by an officer of the Twelfth and obeyed, but before doing so they each tore a piece from the flag. One of these pieces I have seen and examined, and the man who has it I have known for years, and I do not hesitate to accept his story. The fact, indeed, is so well attested that it is embodied in official reports.

The conduct of the regiment and the skill and courage of the commanding officer, as well as of the company officers, were such as to elicit highest praise. From the regiment four sergeants have been promoted to commissions, and Lieutenant-Colonel Daggett has received most flattering mention, the whole action of the regiment being regarded as especially brilliant.

T. G. STEWARD,
Chaplain Twenty-fifth Infantry.

Mr. FORAKER. Now, Mr. President, one other thing. I said I was amazed at the spirit of ugliness toward these men which has cropped out. The shooting affray was in August last.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. FORAKER. Yes, sir.

Mr. NEWLANDS. Before the Senator goes to a new subject I should like to refer to the Winnemucca incident. I have

been absent from the Senate, and I am not familiar with this discussion. When the Senator alluded to the Winnemucca incident I sent for the record, and I find on page 340 a quotation from a newspaper article, to which the Senator referred, which may explain it. It is as follows:

It developed this morning that had an inspection been made of every man on the train and his belongings the right soldier who did the shooting would have been located. It is conclusive that a Government revolver was not used, but a pistol of .38 caliber that one of the colored soldiers had stolen from J. Isola's saloon at Carlin.

Mr. FORAKER. Mr. President, I went over that and said the newspaper article made statements which warranted the Judge-Advocate-General in making his report; but that it was an ex parte report, as to which the company had no representation at all; that the charges were not established in any manner, and the statements of Captain Lyon and Captain Shattuck and the other officers of this company show conclusively that no such thing as that occurred. The newspaper article the Senator refers to is, as I myself characterized it, bitterly hostile all the way through; it is sensational; it is a pretty good type of yellow journalism.

Mr. President, since this shooting there have appeared many charges—I spoke here one day and the next day telegrams were sent from El Reno about an attack being made on Captain Macklin, that he had been attacked by a discharged soldier of the Twenty-fifth Infantry. I saw in some quarters a statement to the effect that that was one of the first fruits of our undertaking to say a word in behalf of a hearing for these men. But that is of no consequence here. That is the story that went out. What is the truth about it? Everybody knows now that no discharged soldier of the Twenty-fifth Infantry had anything to do with it.

Only a few days later, however, the newspapers were filled with sensational accounts of how a discharged soldier from the Twenty-fifth Infantry had crowded a Mrs. Clifford off the street with rudeness and with brutality, and went on to tell how ugly and vicious and mean these men were, all in keeping with the character which the Senator from South Carolina conceives from reading this record they had acquired, but now everybody knows that story has been exploded. The man who undertook to pass Mrs. Clifford while crossing the street was a porter on a Pullman car, who was rushing into a lunch house to get a sandwich, and had hurried out in order that he might get back before train time. No incivility whatever was intended, and there was no clashing except that which was accidental.

Then two or three days later there was a sensational account of how another discharged soldier of the Twenty-fifth Infantry had gone into a Chinese laundry, wantonly fired on the Chinaman who was in charge, and had shot him up. But in a few days after there came a refutation of that to the effect that it was not a soldier at all, but that it was somebody in the employment of the railroad company who had rushed in there and had some kind of an altercation.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. FORAKER. Certainly.

Mr. LODGE. In regard to the shooting of Captain Macklin, I thought the man who did it had been arrested.

Mr. FORAKER. A man has been arrested recently, but he is not a discharged soldier of any of these companies.

Mr. LODGE. He was a soldier of Company A.

Mr. FORAKER. I understand he was, but he has not yet been tried, and I do not know whether or not he is guilty. He says he is not guilty.

What I am talking about is the sensational account sent out. Everything that is done is attributed to these men, and at last we have a sensational account that there is a conspiracy among the discharged men to murder all the white officers of the Twenty-fifth Infantry because these soldiers had been discharged. Now, that has been exploded. Major Penrose says that there is no truth whatever in the statement that such testimony has been developed or that anybody has any such thought, so far as he is aware.

I mention all this, Mr. President, not for the purpose of engaging in a race controversy, or discussing the race question, but only for the purpose of admonishing Senators that if we are to investigate this matter with a view to establishing the facts let us wait until the facts have been found. We are strong enough, and there is nobody concerned who is not brave enough, to have the truth known. If there is any class of people in this country to whom we should be just, to whose rights we should see to it that no injury is permitted, it is not only the soldier who is defending us, but it is especially the colored soldier, who is more helpless, possibly, before the law than any other body else.

The Senator from Wisconsin asked yesterday what else was the President to do but to discharge these men. The President could not, he said, try them, because there was no evidence. No evidence! Mr. President, I have heard of that as a reason many times for not trying men on charges of crime, but I never before heard of that as a reason why some other kind of punishment should be meted out to them. I read the other day from the language of the Supreme Court in the Milligan case, where the court say that to suspend or suppress or disregard the law upon the theory that there is some great exigency is always inexcusable and that it leads only to anarchy or despotism. That is the language of the Supreme Court.

I say, however, it is not the case, as I look at it, which the Senator presents. Assuming now, Mr. President, for the sake of argument, that the men of this battalion, to the number of sixteen or twenty, did do this shooting, does not every man know of necessity that the noncommissioned officers in charge of the quarters, that the noncommissioned officers in charge of the gun racks, that the sergeant on guard and the sentinel pacing up and down behind the wall would, of necessity, know who these men were? They would of necessity know, when the sixteen or twenty men marched out of quarters, whether they went out through the gate or jumped over the fence, and especially would they know whether these sixteen or twenty men commenced firing inside the fort, inside the walls, on the premises of the Government.

If it be conclusively established, as we are told it is, that from sixteen to twenty of those men did this shooting, then is it not of necessity also established that these men to whom I refer had guilty knowledge; that they were accessories before the fact, if they did not participate in it. In the nature of things it would be a human impossibility for those men to commence firing, some of them from the barracks, we are told, some of them outside the barracks from the premises inside the walls, and then jump over the wall, start down street, shoot up the town for ten or fifteen minutes, and then rush back and pass through the guard and everybody else without detection.

Mr. President, it appears that every man was in line when the roll was called; every man answered; and, not only that, but a line of guards was put behind the wall to intercept anybody who might come from the town, and all this in a very few minutes.

But I am not going to discuss that. I am only now saying enough to show that if it was desired to establish the guilt of these men, it was an easy matter, if they were, in fact, guilty, to do it by simply ordering a trial, by simply following the directions of the law, and that is what at first the authorities started out to do. The civil authorities arrested thirteen of these men, twelve of them soldiers and one an ex-soldier who had been discharged but a few days before. The men arrested were the sergeant of the guard and the men who constituted the guard, the sentinels, the men who were in charge of the quarters, the men who held the keys to the gun racks, the men who, of necessity, would have knowledge. If before a tribunal such as the law authorized when it provided that men subject to such charges should be tried by court-martial witnesses had been called, if there was any shooting done at all by anybody connected with the battalion, those were the very men who would have had a prima facie case against them upon circumstantial evidence of a character so strong that the President held it to be conclusive, and who would have been convicted, and the men who committed this great crime, if they committed it, would have been brought to punishment and a punishment adequate would have been inflicted.

But beyond suggesting that there was evidence to warrant the trial—far more evidence than many times is laid before a prosecuting attorney and a grand jury when an indictment is found charging a man with crime—beyond showing that there was that predicate for a trial, and that they were not allowed a trial, but were denied it; that by Executive order they were indicted, tried, convicted, and discharged without any one of them having a chance to be heard—I do not care to speak. That was, to my mind, under all the circumstances, without authority of law, or, if by authority of law, then a disgrace to the American people.

During the delivery of Mr. FORAKER's speech,

The VICE-PRESIDENT. The Senator from Ohio will suspend a moment while the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 7709) to revise, codify, and amend the penal laws of the United States.

Mr. FULTON. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent that the unfinished business may be laid

aside temporarily. Without objection, it is so ordered. The Senator from Ohio will proceed.

After the conclusion of Mr. FORAKER's speech,

Mr. LODGE obtained the floor.

Mr. CARMACK. Will the Senator from Massachusetts yield to me?

Mr. LODGE. Certainly.

Mr. CARMACK. I gave notice some time ago that I would to-day present resolutions commemorative of the life and character of my late colleague, Senator BATE. If agreeable to the Senator from Massachusetts, I should like to present them now.

Mr. LODGE. Of course, I yield the floor to the Senator for that purpose.

Mr. ALDRICH. Will the Senator permit me to make a motion?

Mr. CARMACK. Certainly.

Mr. FORAKER. I should like to get a vote on the resolution unless somebody wants to speak.

Mr. BLACKBURN. Mr. President, it will be remembered—

The VICE-PRESIDENT. The Senator from Rhode Island [Mr. ALDRICH] has the floor.

Mr. ALDRICH. I move that when the Senate adjourns to-day it be to meet on Monday next.

The VICE-PRESIDENT. The question is on the motion of the Senator from Rhode Island, that when the Senate adjourns to-day it be to meet on Monday next.

Mr. BACON. Mr. President, I think it is due to the Senator from Maryland [Mr. WHYTE] that I should state what possibly he is himself reluctant to state, that he has given notice of a desire to address the Senate to-morrow.

Mr. ALDRICH. Would it not be equally convenient for the Senator from Maryland to speak on Monday next?

Mr. WHYTE. Mr. President, I prefer to go on to-morrow if I shall not thereby interfere with any arrangements of the Senate.

The VICE-PRESIDENT. The Senator from Rhode Island moves that when the Senate adjourns to-day it be to meet on Monday next.

Mr. ALDRICH. I did not hear the reply of the Senator from Maryland [Mr. WHYTE].

Mr. TILLMAN. The Senator from Maryland stated that he would prefer to speak to-morrow.

Mr. ALDRICH. Then I withdraw the motion.

The VICE-PRESIDENT. The motion is withdrawn.

MEMORIAL ADDRESSES ON THE LATE SENATOR WILLIAM B. BATE.

Mr. CARMACK. Mr. President, some time ago I gave notice that to-day I should ask the Senate to consider resolutions commemorative of the life and character of my late colleague, Hon. WILLIAM B. BATE. I send the resolutions to the desk, and ask that they may be read.

The VICE-PRESIDENT. The Secretary will read the resolutions submitted by the senior Senator from Tennessee.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. WILLIAM B. BATE, late a Senator from the State of Tennessee.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from Tennessee.

The resolutions were unanimously agreed to.

Mr. CARMACK. Mr. President, it is with a feeling of peculiar tenderness and reverence that I approach the sad duty of this occasion. I was born within a mile of General BATE's homestead, lived among his friends and neighbors, listened with rapt attention to stories of camp and conflict as they fell from the lips of the heroic veterans who were his followers and comrades in battle, and from my early boyhood was deeply imbued with the spirit of personal devotion to him that prevailed among the people of his native county. In later years circumstances brought us much together, and I became his personal friend and supporter in all his political contests. My personal knowledge of the man revealed inborn qualities which strengthened my love for him and held it to the last; and the affectionate relations that have existed and do exist between our families are among the most precious blessings of life.

Mr. President, if in youth one could be permitted to shape the end of his life he could not wish for it a happier termination than that which closed the mortal career of WILLIAM B. BATE.

Full of years, full of fame, and full of honors he closed a life crowned with domestic peace and happiness, the esteem and confidence of his people, and that conscientiousness of duty faithfully done, which more than all things else gives sweetness to life and takes bitterness from death. By the sternest code of honor he lived a life of rectitude. It is no exaggeration to say that neither to the right nor to the left, under whatever temptation, throughout a long life, full of action, full of excitement, full of strivings and honorable ambitions, did he ever swerve by the breadth of a hair from the path of honor. In addition to all this, and higher and better than all this, the Christian's faith and hope were his; so that his peaceful death, met with a calm and quiet resignation, was a fitting close to such a life, a happy realization of the prophet's prayer, "Let me die the death of the righteous, and let my last end be like his." He died as one who knew that the gates of death were but the portals of immortal life.

WILLIAM B. BATE was born in the old blue-grass county of Sumner, a county still famed for the sterling character of its citizenship and the generous hospitality of its people. The world can not produce a nobler type of men and women than may there be found. They are worthy of the ancestry from whom they sprang. General BATE was the son of a Revolutionary soldier and came from the old pioneer stock who in the early history of the State invaded this region with ax and rifle to hew through the primeval forests a pathway for civilization. They were men of heroic heart and simple faith. A faith in God that knew no doubts or questionings gave them the fortitude to dare the terrors of the wilderness. On the frontiers of civilization, struggling with wild beasts and with yet wilder men, they acquired the fundamental qualities that go to make the manners and the character of a gentleman—respect for one's self and for others. General BATE was born near Old Bledsoes Lick and within sight of the old fort where the early settlers found protection while yet the white man had to make good his title to the land against his savage foe. Here he spent the years of his boyhood until—a fatherless lad—he determined to go forth alone to match himself against the world. He went first to Nashville and secured a place as clerk on a steamboat which plied between Nashville and New Orleans. The war with Mexico coming on, he enlisted in the latter city, joining a company of Louisianians, and went to Mexico. He served out his term of enlistment with the Louisiana troops and then joined a company from his own State which had arrived upon the scene of hostilities and was made first lieutenant. In this capacity he served to the end of the war.

After his return from Mexico he soon entered upon the study of law, graduating from the Cumberland Law School, at Lebanon, Tenn. He did not have to wait for clients, but at once achieved marked success in his profession, being elected prosecuting attorney for the district including the city of Nashville in the year 1854, just two years after he had been licensed as a practicing attorney. In 1856 he married Miss Julia Peete at Huntsville, Ala., the loving and faithful partner of his long and checkered life, who still survives him. It so happens that this day upon which we commemorate his life and services is the anniversary of the day of their happy union.

General BATE early developed a taste for politics, and as a member of the legislature and Presidential elector on the Breckinridge-Lane ticket he began his political career, a career which had already given promise of greatness when interrupted by the outbreak of the war of secession.

Tennessee left the Union reluctantly and with sorrow. She had voted down the first proposal to leave the Union by an immense majority. But when the secession movement grew to such strength that war became inevitable, and she had to decide between the alternative of uniting her forces with or against her sister States of the South, she chose to abide the fortunes of the Southern Confederacy. Looking calmly back from this peaceful time to that stormy period, I am proud that she dared and suffered with the South.

The martial, the military instinct in General BATE was strong, and his whole heart and soul was in the cause of the South. Neither then nor afterwards, to his dying day, did he ever question the justice of her cause or permit any man to do so in his presence without stern and emphatic rebuke. That cause had in him a friend who was faithful unto death and beyond the grave.

He enlisted as a private in a company then forming at Gallatin, was made its captain, and later was elected colonel of the regiment. In his eagerness to give his services on the field he promptly took his regiment to Virginia and commanded it in the battle of Bull Run. As its term of enlistment was about to expire, so thoroughly had the rank and file become imbued with

the spirit of their commander, when the proposal was made to them to enlist for the war the entire regiment stepped forward as one man. There was not one laggard in this regiment of Sumner County heroes.

There was another conspicuous illustration of the spirit that prevailed in this regiment. Because of the promptitude with which they had gone to the front, Colonel BATE had been permitted to select the army in which his regiment should serve, and he naturally selected the army of Tennessee. Upon the transfer being made, all the members of the regiment were given a sixty days' furlough. Before this furlough had expired Albert Sidney Johnston made the movement which brought on the battle of Shiloh, and at the call of their colonel the members of this regiment voluntarily abandoned the ease and comfort of home, tore up their unexpired furloughs, and hastened to report for duty. For many of them it meant death or mutilating wounds, for this regiment was early in the battle and in the "focal and foremost fire." In a desperate charge Colonel BATE rode in the very front of his regiment and cheered them toward the foe. While doing so he received a wound which shattered his leg, but he continued to lead his regiment onward until faintness from loss of blood caused the bridle reins to drop from his hands and until his horse was shot from under him. In that battle his brother and brother-in-law and a cousin were killed and another cousin severely wounded—five members of one family in one regiment weltering in their blood upon one battlefield.

Colonel BATE lay for a long time in peril of death from his terrible wound. His surgeons decided that amputation was necessary, but it was characteristic of the man that he overruled the opinion of the surgeons and decided to take the chance of recovery without the loss of his limb. His decision meant that he would take all the chances of death rather than become unserviceable to his country in its hour of peril. He slowly recovered from his wound and was indeed badly crippled throughout the war. He returned to his command on crutches as a brigadier-general.

He was so badly crippled that it was not believed that he would again be fit for duty in the field, and a movement sprang up to make him governor of the State to succeed Isham G. Harris, whose term was soon to expire. There is no doubt whatever that he could have been elected; but he promptly declared that he would accept no civil office, but would share all the perils of battle with his comrades unto the bitter end. He was afterwards twice wounded while yet so badly crippled from his former wound that he had to be lifted to his horse as he rode at the head of his command. He had three horses killed under him at Chickamauga, and everywhere and under all circumstances he exhibited that same spirit that won the name bestowed upon him in the official report of his division commander, General Stewart, at Chickamauga—"The indomitable." I shall not dwell upon the details of his military career. I need not do so—there are volumes of eulogy in the simple statement that he entered the army as a private soldier and left it as a major-general. From the hopeful beginning to the end of the sad but glorious chapter, when he surrendered the ragged, famished, battle-torn, heroic remnant of his command, it was the same story of a devotion that knew no weakness and a valor that knew no fear. Upon his tombstone, and upon that of every Tennessean who followed him, may be written without flattery the characterization of Bayard—"a knight without fear and without reproach."

When the war was over he returned to the practice of law, removing to the capital city of Nashville, and soon commanded an immense practice. He was especially successful in jury trials, and at the time when he became governor in 1882 his firm probably had the largest practice in the State.

He was elected governor at a time when the refunding of the State debt followed as a result of the settlement which was an issue in this campaign. An incident in connection with this shows the extreme punctiliousness of his sense of duty. The law required that the new bonds issued should be signed by the governor. When it was proposed to prepare a stamp by which the facsimile of his signature might be placed upon the bonds he insisted upon an exact compliance with the letter of the law and of undergoing the immense physical labor and writing the signature upon each with his own hand. In all his career this same nice and self-exacting sense of duty governed his public and his private conduct.

After his second term as governor came his election to the Senate. It was a battle of the Titans in which he then prevailed. Intellectual giants like ex-Governor Marks and ex-Congressman John F. House contended with him in friendly and chivalrous rivalry, and yielded him the palm without bitterness as to a victor worthy of their steel.

In politics he lived and died a Democrat—not simply in the sense that he supported the nominees of his party, but because he was a thorough believer in its great fundamental principles. Like the late Isham G. Harris he clung with tenacity to his party's earliest creed and felt a sense of resentment for every deviation from the Jeffersonian principle of a strict construction of the Constitution.

In his service here he was faithful, industrious, diligent, a close student of the business of the Senate, having a clear understanding of the questions of the day, and when he chose to do so he presented his views with great ability, learning, and power. A speech on the tariff question in the early years of his service showed him to be a profound student of national taxation, and his speech upon what, in our part of the country, was usually denominated the "force bill" was liberally quoted from one end of the land to the other.

But above all other qualities, he bore among his associates here a reputation for honor and integrity that was without a stain. No suspicion of an unworthy motive was ever imputed to any act of his. No man here or elsewhere ever felt one moment's doubt as to the absolute rectitude of his intentions.

It is a fact significant of the happy passing of old issues, of old passions and prejudices, that among the most devoted friends he had in this Chamber were those who wore the blue when he wore the gray, who fought under the Stars and Stripes when he fought under the stars and bars; with whom he contended for life and death in the awful shock of battle. There are no truer friends than those who have been honorable foes, and the handclasp that is made above the grave of kindred dead is never broken. Even as he loved and honored those who fought by his side he loved and honored those who confronted them. And while old associations, the memory of common sorrows and of common sufferings, bound him as with hooks of steel to his comrades in arms, the story of that great war was to him a lesson of American prowess and American valor, which, united under a common flag, could withstand the world in arms.

His intense devotion to the memory of the cause for which he had fought, and of the comrades who had died for that cause, might seem to the superficial inconsistent with heartfelt devotion to the Union; but you in this Chamber who fought on the other side, none of you ever questioned for one moment the loyalty to the Union of this battle-scarred old hero of the Confederacy. You loved and honored him for his very fidelity to those hallowed memories and hallowed graves. You, who like him, but on the opposing side, have passed through the furnace of war know that he who can lightly forget what was once the cause of his country, the cause for which its women prayed, and for which its sons had died, could not be loyal to any country or faithful to any flag. You knew that he brought to the service of the whole country as faithful a devotion to duty as when fighting for the cause of the Confederacy on the red edge of battle. The Confederacy had no braver knight than WILLIAM B. BATE when war was flagrant in the land; the Union has had no truer friend since the war clouds were lifted and the waiting sunlight came down to bless the land, which is the common hope, as it is the common heritage, of us all. His love for the Confederacy was but the faithfulness of memory to the noble dead—that lingering with uncovered head by the tomb of old comrades and fallen hopes which purifies and exalts the soul.

Mr. President, it is true that "peace hath her victories no less renowned than war." WILLIAM B. BATE was one of those who came back from the war, surveyed the scene of red ruin and blank desolation that overspread his country, and then with hearts resolute and undismayed faced the awful problems of that awful time. All the heroism displayed through four blazing years of war pales into insignificance by the side of that story of patience, constancy, and fortitude which enabled a weaponless and uncaptured army of disfranchised citizens to win victory even from defeat.

In private life General BATE was simple, plain, devoid of artifice or ostentation. Unusually blessed in his domestic relations, he found his happiest hours around the family hearthstone and in the company of congenial friends; but in all the walks of life the same high courage and noble qualities which won him honor and fame in field, in forum, and in Senate were his. And when he came to meet the inevitable hour these qualities rose supreme and he blenched not when he stood face to face with the king of terrors. Over him the grave could win no victory and for him death had no sting. As in the ardor of his youthful prime he had faced death without a tremor, with all the courage of a soldier, so at the last he met death with all the fortitude of a Christian. At peace with his fellow-man, with his conscience, and his God, "he gave his honors to the world again, his blessed part to Heaven, and slept in peace."

Mr. DANIEL. Mr. President, we have halted on the forced march that is made necessary by the short and congested session of Congress, and we have called a truce to all dissension that we may pay tribute to the memory of one of our number whose name the Ruler of the Universe has stricken forever from the Senate roll and from the roll of life. The shadow of death marks the boundaries of man's common country. By the reconciling grave we are one.

WILLIAM BRIMAGE BATE was a soldier of his country before he became a man. He had just entered his fourth term of service in this body when he departed from us. Throughout his long and useful life he was an earnest and honest soldier of the common good.

At the close of his service he left behind him a clean, white record, which bears witness that through his life's ceaseless struggle he was always "present for duty," and that as God gave him to see that duty so he did it, whatever might befall.

He had passed considerably beyond the period of threescore years and ten before he died—indeed, he was in his eightieth year—but his strength had remained equal to his tasks; and it is consoling to reflect that it was not in the valley of helplessness that he left us nor by the process of slow decay.

No matter when death comes, so mighty is the change it is startling and sudden.

No matter what the premonitions may be, and no matter howsoever we steel our hearts to meet the inevitable, the blow that shivers the life of one beloved and honored must lacerate the sensibilities and pall upon the affections.

Although the shadow upon the dial marked the evening of his days, Senator BATE was here and took the oath of office for a new term on the 4th of March, 1905.

I had stood by his side when he entered the Senate in 1887, and again was with him when he was sworn in the last time.

Together we joined in the line of Senators that proceeded from this hall to witness the inauguration of President Roosevelt from the east front of the Capitol. As we passed out of the Chamber I said to him, "General, I have seen you sworn into the Senate for four times, and I hope that you may long live and that I may have the pleasure of seeing you sworn in again;" but it was not so written.

As we reached the throng pressing forward through the halls of the Capitol we became detached from each other and I never saw him more. A severe cold, contracted by the exposure to the piercing atmosphere of the inaugural occasion, brought on pneumonia, and soon the sad intelligence came that WILLIAM BRIMAGE BATE was no more.

He was born in the blue-grass region of Tennessee, in Sumner County, as his colleague has recounted, in the midst of the scenes of the old Indian wars, near Bledsoes Lick, which is now known as Castalian Springs, in a section that abounds with incidents of the encounters between the hardy pioneers and the stubborn tribes of Indians who stood in their pathway. He sprung from that yeoman stock which loves the land and fights for it, and, plastic of mind and heart, he was full of the traditions and legends which inspire manhood to high enterprise. "Old Hickory" said, and he was of that region, that "the man who was born and reared among these people deserved but little credit for being a gentleman or a soldier, for he could not help it."

The blood of the pioneers of Virginia and North Carolina mingled in his veins. Tillage of the soil, the earliest and purest of avocations, was theirs. They held the simple faith of the Baptists, and they looked on life as a real earnest and solemn matter, to be met by the best that was in them.

When yet in his teens young BATE, with that spirit of adventure and desire to see the world which is apt to characterize the youth of our race, set out for New Orleans, having become a clerk on the steamer *Saladin*, plying between Nashville and that city.

The expansion of our race has never come from congestion at home. They have gone forth into all lands from that spirit of enterprise and love of romance and adventure which the Creator has implanted in their ambitious, strong, and aspiring blood.

The Mexican war was on, and, joining a Louisiana command, the boy BATE, as a private soldier, with his musket on his shoulder, marched with it to the relief of Zachary Taylor on the border of Mexico. This service ended, he became first lieutenant of Company I, Third Tennessee Volunteers, was selected as its adjutant, and with it served until the conclusion of the Mexican war.

From second clerk on a steamer and private in the ranks he rose by steady gradations to the foremost places in both peace and war. To glance at the positions in which he was placed by the confidence and trust of the people is as if to let

the eye range over the rungs of the ascending ladder by which he climbed to eminence and renown. Private and lieutenant in the Mexican war, editor of the Tenth Legion, a Democratic journal, after the return to peace, and a member of the legislature, and then came his settling down to the study of the legal profession in 1850, when he entered a law school in Lebanon, Tenn., graduating in 1852.

Soon again he climbs upward. He became attorney-general for the judicial district which was composed of Sumner, Davidson, and Williamson counties, which include the city of Nashville, for six years. While holding this office he was nominated for Congress, but declined. In 1860 he was elector upon the Breckinridge ticket for the Presidency, but Tennessee stood slow and patient, as did my own State, upon the edge of war, and each of them gave their electoral vote to John Bell.

In 1861, the lightnings of war flashed from the cloud of long dissension. It was the rear guard fight about an institution which perplexed the nations of the earth for countless ages past. Again he took his place at the bottom of the ladder, enlisting as a private of volunteers. He was elected captain of the company which became Company I, of the Second Tennessee, and later was elected colonel of the regiment. Brigadier-general in 1862, major-general in 1863, corps commander of the remnant of a great command at the surrender, BATE made a name as a soldier, based upon facts which can never be confused or belittled, which places him in the front rank of just renown.

In the conflicts of 1862-1864 he was wounded, first at Shiloh, in 1862, then at Hoovers Gap, in 1863, and then again at Atlanta, in 1864; and as the rings in the bark of a tree mark the years of its growth, so the years of his service were marked with scars upon his person.

"Indomitable BATE" was the characterization of him by Gen. A. P. Stewart, after the bloody battle of Missionary Ridge, in which three horses were killed under him.

No hero of all that bloody strife more possessed the confidence of the soldiers whom he commanded and of the superior officers who commanded him.

The war records make enduring pedestal for the statue of his fame, and whether they were composed by a soldier upon one side or the other they are in the main the embodiment of the truth. If neither of the armies which opposed each other had other chroniclers and commentators than those who fought against them, their great heroic characters and their fame would be permanently enshrined.

Some day Tennessee will raise his own figure on that pedestal, and it will some time stand in bronze in his beloved Tennessee, where it will not only attest the valor and devotion of the past, but be an inspiration to the youth of the volunteer State, which will "keep the soldier firm and the statesman true."

I heard one of his captains, who was himself wounded at Shiloh, say that over the roll of the musketry could be heard the voice of BATE cheering on his soldiers. Presently one of his men said to him, "Colonel BATE must be down, for I hear his voice no more." So in truth it was; and soon near Shiloh Church lay five of his family near each other, three killed and two wounded, his brother, Capt. Humphrey Bate, amongst the dead, himself amongst the stricken.

But enough of war. Apart from the nobleness of sacrifice and the greatness of soul which the trials of war stimulated and brought forth, and, apart from the removal of the cause of strife, the best thing about the great conflict is that it is over and that it will come no more; but the brave and true of each side will be cherished as a people's legacy, adding luster to the American name.

When surrender came at Bentonville in 1865 BATE rode to the remnant of his old division, which stood in line, dismounted, hobbled on his crutches to his old brigade and regiment, and, when the order to stack arms was given for the last time, he stood amongst those with whom he had been a private soldier and from them departed as a private citizen once more. Napoleon taught that the officer must take his place with his soldiers in surrender, as in the battle. It needed no Napoleon to tell that to BATE. It is the instinct of such brave and honest spirits as was his.

Now again he was at the bottom of the ladder, and again his ascent began. For seventeen years he sedulously practiced his profession, and rose to high rank and large practice. In 1875 he came within one vote of being elected a Senator of the United States, and by the change of a single vote Andrew Johnson was chosen.

In 1876 he was an elector at large on the Tilden ticket, and for a second time he bore the Democratic banner on the Federal field. In 1882 he became governor of Tennessee and was a sec-

ond time chosen. In 1887 he entered the United States Senate. His services here were diligent, constant, and unrelenting. The greater part of a Senator's work makes little noise and gets little notice. In the committee room and in council with colleagues is worked out, for the most part, the legislation of the country. It is rare that a speech controls the action of this body. The wise suggestion at the proper time makes no record. The careful and precise study of details may become as potent as the underground wire that lights a city or that drives its engines and trains, but the eye gets no picture of it. But his services here were by no means confined to mere detail. He is regarded as practically the author of the Weather Bureau and the Signal Service in their present organization. He was the author of the bill which ended the supervision of elections by the Federal Government, and his hand was seen and his influence felt in many of the good works which emanated from the committees on which he served and have passed into legislation. Though not a frequent speaker, he possessed ability and eloquence which were exemplified on pertinent occasions.

Those who served with him for years in the Senate will never forget the great fight he made to prevent the removal of the Jackson statue from what is known as Lafayette square. His opposition to its removal was successful, although preparation had already been made and in part completed to take away the equestrian statue of Jackson and put it on the corner of the square, instead of letting it stay as the centerpiece. No corner for Jackson, but the chief place, said BATE. So on the center of the square in front of the White House Old Hickory still rides erect his prancing steed, and because he had a champion of the stuff whereof he—the hero of New Orleans—was made.

The combination of intelligence, sagacity, and courage, commingled with the many virtues that go to make up the gentleman, the soldier, and the good citizen, came together in force of character in WILLIAM B. BATE and made him a foremost man. His heart was loyalty itself. He adhered to principles wherever they carried him. He would not compromise a creed nor give to expediency what belonged to conviction.

He respected the opinions of others and treated all with courtesy; and the courtesy which he freely bestowed he in turn exacted.

He seemed old fashioned in his strict adherence to the ideals of his teachings and his convictions, and the light and frivolous sometimes attributed to the stubbornness of his nature what was in truth only the clearness and tenacity of his faith.

He was a man of simplicity and devoid of ostentation. He never spoke just to be heard of men, but only to carry to them a message which went forth from his heart and mind. Many of his speeches were notable for their careful and well-considered views and for the clearness and power with which they were uttered.

On festival and on memorial occasions, especially upon those that commemorated noble characters and great deeds, Senator BATE was frequently the welcome orator, and his addresses were marked by those truthful historical allusions, those worthy reflections, and those beauties of poesy and eloquence that gave instruction in the most attractive and pleasing garbs of expression.

I can not take my seat, Mr. President, without adverting to the happy domestic life of Senator BATE. Fifty-one years ago he married Miss Peete, of Huntsville, Ala. Their union was blessed with children—all daughters—two of whom survive. His home was not only his castle, it was his temple, and those nearest and dearest to him were his constant thought.

On one occasion, when on some public ceremonial a compliment was paid to Mrs. Bate, who had been his helpmate and companion for many years, the Senator recognized it and thus respected it:

I thank you—

He said to those who had paid this tribute to her he loved best—

I thank you for this compliment to my wife, and I challenge any man to have a better right to feel more kindly and lovingly to the beautiful and charming women of Alabama than I do. You will pardon the personality when I say that in the long ago—and it seems to me but yesterday—it was in the beautiful little city of Huntsville, Ala., nestling at the foot of Monte Sano, overlooking a valley that smiled with delight, that I was given, under a wreath of orange blossoms, one of the loveliest of all the sweet girl flowers that grew and bloomed in that refined and cultivated social garden. She has been for more than forty years my companion and comfort—through war and peace, through weal and woe, through good and evil fortune—and although she has gone into motherhood and grandmotherhood, still she is my cheerful companion and my faithful comforter. So I feel that I can challenge with impunity the right of any man who was not born under Alabama's egis and who does not live on Alabama soil to feel nearer and dearer to Alabama than I.

There is an ancient adage which says "every man is the child of his own works." So obviously was WILLIAM BRIMAGE BATE. He was a matter-of-fact man, and he built himself from the ground. He dreamed no dreams of frenzied fancy; he saw no visions; he owned no castles in Spain, and took no stock in Utopia. Nevertheless, the spirit of poesy and the charm of romance were in his heart, and there, too, was the fountain of that natural eloquence which flowed forth when the true spring was touched.

There was nothing dim and there was nothing doubtful about him. He stood foursquare to all the winds that blew. His people looked upon his works, and they saw that they were good. They felt the beat of his strong true heart and the warm grasp of his honest hand. They knew him, and their constancy was but the reflected image of his own constancy to them.

I had the honor to be among those who bore his body back to Nashville, and stood and saw it laid again in his native soil. The vast outpouring of the people was impressive. But nothing was more impressive than the gray line of his old Confederate comrades that followed his hearse and fired the last salute over his grave. Some of them were yet sturdy and strong, some wrinkled and haggard with life's accumulated burdens, some as gray haired as the coats they wore. But all of them were of one mind of approval and of one heart in the spirit of love for the dead hero who rode in their front in battle, and in their front at the last received the bolt of fate. There we laid him in the dust at the bottom of life's ladder. There he rests in the abiding honor and affection of the people of Tennessee. Nor will Tennessee alone remember him. He served the whole American people as a worthy Senator and as a patriotic citizen.

He who considers his history sees he not also another ladder rising in the vision of immortality, its foot resting on the earth, its summit disappearing from mortal ken in the heavens?

Mr. NELSON. Mr. President, while the thirteen colonies were struggling to secure their independence from Great Britain, there was a small band of determined and hardy frontiersmen of the Carolinas and Virginia who pressed westward over the spurs of the Allegheny Mountains into the valleys of the Cumberland, the Tennessee, and the Ohio, and wrested the same from the cruel, crafty, and indolent savages who roamed through the wilderness, a terror and a menace to the settlers on the frontier. These frontiersmen wrought their impress upon the revolutionary struggle, directly and at a most critical time, at King's Mountain, and indirectly by repressing to a large extent throughout the unequal struggle the bloody aggressions of the savage allies of Great Britain. But the greatest result of their task was this: That at the conclusion of the war they furnished the colonies the basis and ground for claiming and acquiring that fertile and vast expanse of country between the Alleghenies and the Mississippi River. And thus the heroic struggles of these brave men inured in the fullest sense to the great advantage and glory of the entire nation.

These men were preeminently, both intuitively and by training, a race of warriors and State builders. What they conquered and subdued with the rifle and the ax, they knew how to organize, maintain, and govern conformable to the principles of free government.

From the very loins of this race, as its best type and possessed of all the virile courage and vigor of it, came Senator BATE, our coworker and associate for many years in this body. He died in the seventy-ninth year of his age, at peace with all the world, after a most eventful and fruitful life such as falls to the lot of but few men. He was a veteran in the public service and had been a veteran in both war and peace. I can not enter into the details of his long life and varied career. Those who stand nearer to him than I are better qualified for this task. I can only give my impression of him as I saw him, heard him, and knew him.

He was one of the bravest men that ever lived. This he attested on many a bloody field of battle and in many a civic strife and controversy, but his bravery was of the higher order, a moral and intellectual bravery, based on principle and conviction, and not of the grosser kind, the mere bravery of the bully. He was always brave in the performance and execution of what he conceived to be his duty, of what he deemed right and just, never evading or shirking a burden or responsibility, never faltering, however great the odds. But he was a gladiator of the noblest type, scornful to take a mean or underhanded advantage of his adversaries, manly and forbearing at all times and under all circumstances. He had no patience for shams or mere glamor of any kind; he could always distinguish, in man or measure, the counterfeit, however much embellished, from the real and substantial. He had no tolerance for the former,

but was always ready and swift to embrace the latter. Like all brave men of the higher type, he was gentle, kind, and sympathetic in all spheres and walks of life and in all the varied and trying affairs of life. That air of arrogant loftiness and supreme self-sufficiency, which tokens the vain, the blood or the purse proud man, was utterly foreign to his nature and make-up. He gauged men at their real measure and worth, and on that level he was always ready to meet them. There never was a more modest man than he in military or civic life. What he wrought on the bloody fields of battle or in the realm of the civil service of his State and country he left others to tell and extol. He preferred to be measured by his deeds rather than by his words. Men of action are, as a rule, brief and modest in speech, and are content with results rather than mere praise.

As a member of this body he was one of its most useful members, faithful in attendance, both in session and in committee. He never shirked, but was always ready to bear his full share of the drudgery of legislation—that drudgery so essential but often little noted by the public at large. He did not belong to that school of legislators who are content and feel that they have done their whole duty if they deliver one or two set speeches during the session. While he was not a prolific debater, yet he never abstained from discussing a measure of importance that he felt called upon to support or oppose, and his discussion was always instructive, clear, and to the merits. He never spoke for the mere sake of speaking—for mere oratorical display. He was always in earnest, and when he spoke he spoke to pass or defeat a measure. He never supported or opposed a measure for the mere purpose of courting popularity. His attitude was governed by what he conceived to be right and just in the premises. In other words, it was always a matter of principle with him.

His environment and training had been such that on all constitutional questions he belonged to the so-called "school of strict constructionists"—strict in measuring the rights of the Federal Government, but liberal in measuring the rights of the States. And in this he was the child of his age, his State, and his surroundings. Our system of government is such that from the very beginning it bred and evoked two schools of constitutional construction, the one tending to fortify the Federal and the other to fortify the State power. And whatever else may be said on the subject, all fair-minded men, I think, will concede that the one school is a valuable check and restraint upon the exuberance of the other, and that between the contentions of the two the people, who have given their power of attorney to the Federal Government for national and Federal purposes and to the State government for local and State purposes, will ultimately secure and maintain that equilibrium of double power and double purpose which is the mainspring and the glory of our wonderful Federal system.

Senator BATE died faithful and loyal to our flag and to the best interests of our country. Its welfare was foremost and uppermost in his love and affection. He was one of its brave, faithful, and trusty legislative sentinels, on duty when he passed away. His countersign in his last moments was "the Union now and forever." Tennessee never had a more honest, more faithful, and more zealous representative in the United States Senate, and we, his colleagues, had in him a Senator who was always on duty, always at the laboring oar. His task and his mission on earth is ended. He did not live in vain; he wrought much for the good of our country and for the cause of our common humanity. He was a Senator of the United States in the fullest sense of the term, and the recording angel will enter him as a brave, upright, and faithful man, and as a public servant who bore the burdens of life fearlessly and heroically to the last.

Mr. McENERY. Mr. President, WILLIAM BRIMAGE BATE'S career was eventful. His strong personality gave evidence of conflict and victories. It was stamped in every lineament of his face and expressed itself in his every motion. He was not born to remain an idle spectator amidst stirring events nor to participate in them merely content with duties simply performed, but to be the controlling spirit and leader. As a boy he was on the Mississippi River, and caught inspiration from that mighty stream. The rough experience of life on that river has educated hardy, strong men, with strong intellects, indomitable will and courage, making a perfect type of true and vigorous manhood. Leaving this river, with its strong impressions upon him, he became the boy hero of the Mexican war. This experience carried him to the Tennessee legislature in young manhood, where he was distinguished. Hardly stopping for rest or recreation, he entered upon the practice of the law,

mastered this intricate science, and soon became eminent, and was elected attorney-general of the Nashville district, in which office he served six years. During his incumbency of this office he was nominated for Congress, but declined this high honor. His entry into politics was brilliant, but was stopped for the moment by the civil war. But his activity did not cease.

With his experience in war and civil life and the high position he occupied, he would have been justified in demanding high military rank, but, having self-confidence and measuring his ability, he knew that opportunity alone was wanting for advancement. Therefore he entered the Confederate army as a private, but rapidly ascended to captain, colonel, brigadier and major general. He literally fought his way to supremacy. He was always to the front and three times dangerously wounded while in the lead. What a record for a soldier! What nation would not be proud of such and crown him with all the honors it could bestow!

Here he could have rested, having achieved all the fame and glory to satisfy the most ambitious. But his ambition was associated with duty to his unfortunate countrymen. He still fought for their deliverance from an infamous, hell-born despotism and again became active in political life. His people appreciated his unselfish patriotism and the sacrifice made in their behalf, and twice placed him in the executive office of his State. He made a great governor, ranking among the best, and his efforts were untiring to reduce taxation and to give the people a clean and economical administration. He succeeded and was rewarded by a seat in this honorable body. His history here is well known, and laws enacted during his several terms in the Senate bear the impress of his genius. Those who served with him know his ability, the grandeur of his character, and the services he rendered to the nation.

Worst to be endured than all that he had yet encountered was the tyranny and fetters fastened upon him and his people after the cessation of hostilities between the States, the being buried while yet alive, to the sad condition of his people. He fought and battled for right while thus fettered and buried. He used every energy of his being to cast aside the trammels and to burst from the ceremonies of that tomb and take his place in the van of his countrymen, struggling for liberty—aye, for life itself. He carried them on in accelerated progress, in improvement in government, and in material things, which prostrated to the dust the puny obstacles of legislative, judicial, and executive tyranny.

It can safely be asserted that no conditions such as followed the close of the civil war can ever be renewed in this country. Bad men, vicious men, can no longer obtain sway over a people ignorant and easily led by interested advisers acting for their own selfish ends. That terrible departure from justice which marked the period of reconstruction has taught a lesson that it is unsafe to depart from the sacred rule of civil polity not to bestow power where there is no effective and individual responsibility.

His great energy and ability when thus freed strove to defeat the cunning and sordid plots of monopolists. When he thus entered political life he was free, no longer the slave of a fanatical party, no longer at the mercy of designing and intriguing politicians who planned and plotted for the disfranchisement of honest and brave men of the South. He had attained that position, and on this vantage ground, after his entrance into the Senate, he struggled for honest government, a government not of promises, but of actual accomplishments. He rejoiced in the prospect of good government, in the progress of trade, of private and political virtue, and the attainment of national prosperity in the restoration of the people's rights. In peace he won laurels more imperishable than those which crowned him in war. His achievements here and his fame belong to the nation. He did well and nobly his appointed task in life, and he now rests from his labors and sleeps under the simple, but not inglorious epitaph commemorating "One in whom mankind lost a friend and no man got rid of an enemy."

He had no irritability of temper and was not impatient of contradiction, but on subjects he had mastered and on which he held strong opinions he was tenacious. He comprehended all subjects of legislation and had the rare faculty of mastering all details and combining them with general views of the whole subject-matter, thus availing himself of all that speculation presents and experience affords to correct the results of general reasoning.

His orations were clear and logical, eloquent and classical: "The first creditor of every people is the plow, and upon the furrows which it turns reposes the great mass of national wealth." Such sentences of classical inspiration are frequently met in his addresses. His physique was strong and vigorous,

enabling him to endure the severest strains of mental labor. His faculties were strong and coordinate, enabling him to concentrate them with force and vigor to accomplish his purposes. With such physical, moral, and intellectual force he readily achieved the highest distinction as jurist, soldier, and statesman. To follow him in all his efforts in acquiring the highest honors would be to review the jurisprudence of his State and the history of the battles of two wars and the conflict for political mastery in Tennessee. In all this conflict and endeavor his was the master mind. He pressed forward to success and victory with character unsullied and not a voice raised in detraction. His achievements were in a State which in every crisis of her history developed great men, whether in the forum or in the field. To meet and to successfully compete with such men great qualities in manhood and intellect were required.

His character was a grand one in its integrity, its honesty, and its purity. He had a lofty disdain for all that was low and mean. There was no shadow of fanaticism to cloud his character or to disturb his judgment. He was in public and in private life a person of the purest morals, and his indignation was aroused by profligacy or groveling baseness. His nature was kind and affectionate and true, and there was never a more steady or sincerer friend.

He had approached the evening of life. For him the sun was sinking beneath the horizon, and the shadows were gathering fast around him. They enveloped him in final embrace, it may be said, in this Chamber, and when the light went out it was amid the scenes of his labors and in the last discharge of duty.

Mr. CLARK of Montana. Mr. President, to have been requested by the near friends of the late Senator BATE to say a few words on this occasion is a privilege and honor which I deeply appreciate.

It was my good fortune for several years before his demise to be seated next to him in this Chamber and to exchange with him the glad morning greetings which his kindly heart always prompted. We had frequent conversations and discussed freely the various pending questions of importance with which the Senate was occupied from time to time; and oftentimes, although not inclined to be communicative as to himself, I drew from him many very interesting reminiscences of his eventful life.

No member of this body was more punctual in attendance than he. Nothing but the most serious illness of himself or family prevented his presence here, and uniformly in time for the prayers of the Chaplain, for which he manifested the greatest reverence and respect. I am glad to acknowledge my deep sense of obligation and gratitude to him for wise counsel and advice always cheerfully given, and above all, for his kindly acts and words, which so deeply endeared me toward him.

The fatal illness which carried him away so suddenly was contracted on the platform at the east front of the Capitol, where he participated in the inaugural ceremonies of the President. So violent was the attack that ended this noble life that outside of his family and intimate friends few people were aware of his illness until the sad news of his death was announced. I recall the sad incident where at my own home, at a formal dinner party at which he was to have been the guest of honor, while waiting for his arrival the first tidings of his serious illness came unexpectedly to all present and cast a gloom upon the festivities of the occasion.

We all recollect the sad and impressive funeral ceremonies which took place in this Chamber. The universal expressions of sorrow from all present denoted the confidence, respect, and love which dwelt in the minds and hearts of all who knew him. He was so unostentatious that it required an intimate knowledge of the man to know and appreciate his noble impulses and sterling qualities. To him anything suggestive of insincerity, duplicity, or mendacity was abominable. Purity of thought and speech was characteristic of his daily intercourse with his fellow-men. He led the life of a Christian, in all respects correct and consistent, and in his social life he was most genial, companionable, and hospitable. He was never so happy as when surrounded by his family and intimate friends; he and his charming wife, whom all who know her respect and love, dispensed so royally the well-known hospitality of their home.

In the committees on which he served he was distinguished for prompt attendance and diligent study of all the questions presented for consideration and intelligent discussion of the same. His fearless defense and advocacy of what he conceived to be right, his unflinching integrity of purpose and action, were known to all with whom he came in contact. In his advocacy of any question and presentation of argument he was always clear and forceful. As minority leader in opposition to the bill pending for the joint statehood of Arizona and New Mexico he

made a remarkable record, which clearly established his ability to cope with the most adroit masters of parliamentary practice. His speech in that memorable contest was a masterful effort, and its peroration, brilliant and patriotic, was accorded the highest acclamation and praise. The defeat of the measure, largely due to his able efforts, was one of the greatest triumphs in his political life.

In review of the wonderful achievements of the great character whose memory we revere and honor to-day we are carried back to the events embracing a period of nearly half a century, when he took an active part in the thrilling events of the civil war. This was not his first military experience. When only a boy, acting as a clerk on a steamboat, he enlisted in a Louisiana company and served with distinction in the war with Mexico, where, for gallant service, he was promoted to a lieutenant. Upon the close of the war he returned to Tennessee and embarked first in the field of journalism, then studied law and entered the political arena, and the day following the firing on Fort Sumter found him enlisting as a private in Company I, Second Tennessee Infantry. I leave to others more familiar with his life and more capable of eloquently describing his military career that interesting and delightful theme. His rapid rise and promotion for gallantry and bravery from a private to a major-generalship; the story of his almost constant engagement in battle throughout the entire period of the war; his frequent wounds and narrow escapes, having had three horses killed under him in one battle; his persistence in fighting when physically disabled; his reluctance to yield at last when the cause so dear to his heart was absolutely hopeless—all comprise a record of Spartan valor and heroism that is unsurpassed, if not unparalleled, in the world's most famous contests, and can not fail to elicit the most profound admiration of all who will read it.

The people of his State recognized his ability, his patriotism and devotion to their interests, and honored him twice with an election as chief executive of the State, and four times they honored him with election to the United States Senate. All these honors were richly deserved, and the State of Tennessee proudly and gratefully bestowed them in recognition of the splendid achievements and valorous service of her noble son; WILLIAM BRIMAGE BATE, the loyal citizen, the brilliant soldier, the honored statesman.

Mr. SPOONER. Mr. President, I dread to mar, as I know I shall by unstudied speech, the uniform beauty and appropriateness of the addresses which have been delivered here in tribute to the memory of Senator BATE. But I dread more, Mr. President, the inference which might be drawn from my silence that I am indifferent to the memory of one for whom I had profound respect and sincere friendship.

I served long with Senator BATE. I came to know him well and to greatly esteem him as the possessor of all the essential qualities of genuine manhood. I have heard more in detail today of his career than I had known. Nothing which has been said here of his surpassing devotion and gallantry on fields of battle has surprised me. From my knowledge of him he could not have been better called by any other name than "The Indomitable BATE."

I never knew a man, Mr. President, with a finer sense of fealty to the demands of duty, great and small, than characterized Senator BATE. He was not only of exceptional physical courage, but of exceptional intrepidity of soul. Brusque sometimes, sturdy, strong fibered, educated in a school of life which develops strength of character and manhood, he possessed with all his strength and firmness and bluntness not only courtesy—the courtesy of the gentleman of the old school, to use a phrase which means much, for there is no finer gentleman in the world than the gentleman of the old school—but he was withal a man of great tenderness, as are all manly men.

The bravest are the tenderest,
The loving are the daring.

His sympathies were easily aroused, and no man resented more instantly and with greater spirit the perpetration of a wrong upon man, woman, or child than did he.

If I were to name the element in him which more than all things else impressed me, it was an ever-present sense of duty. It is impossible to conceive of the slightest conscious failure in the performance of any duty, public, private, or social, in Senator BATE's life.

Mr. President, he loved with inexpressible strength the Commonwealth of Tennessee and her people. He had been brought up in a school of thought and in an environment entirely different in many ways from that in which my youth and early

manhood were cast. Not unnaturally he belonged to a school which construed the Constitution so as to enlarge the rights of the States and to minimize what I thought were the powers and rights of the General Government. He was not to be criticised by me for that, nor would he criticise me for that, for I never met a man more tolerant of honest differences of opinion, tolerant of weakness in friend and in foe, but tolerant never of meanness and littleness in anyone. He offered his life—and that is the most that any man can offer—many times for a cause in which he believed and in which I did not believe.

But, Mr. President, with all his strength of comradeship and of associations, with his firmness of conviction, apologizing for nothing, repenting of nothing, when he, standing at that desk, took the oath of a Senator, no man who ever has taken it and no man who ever will take it can take it with a stronger, holier purpose to serve in every way to his uttermost the Government of the United States than did he.

He was utterly indifferent to his own comfort, sometimes indifferent to his own health and safety, in the discharge of Senatorial duties relatively trifling, because they were duties, and he regarded no duty as trifling. He did not look, with all his splendid career behind him, upon the National Government from any standpoint of restriction in power other than that which he found and which many of us find in the Constitution, which he had sworn to support.

Mr. President, he stood for the rights of the States; he stood for the rights of the National Government. He stood for larger powers in the National Government than he would have done thirty years ago, as I now stand stronger for the rights of the States than I would have done thirty years ago. He knew that the National Government was created by the States; that every power which it possesses was surrendered by the States; that it possesses none except those which expressly or by implication were surrendered by the States, and that all the powers which the States did not surrender the States withheld and still possess.

He could not, without being a great man, Mr. President, have carved out for himself the career which he did in professional, in military, and in public life—a career which won him the love and admiration of his State and of the South and the unfeigned respect and regard of the people of the North. I have never allowed this aisle—nor do any of us in the discharge of public duty or in judgment of each other—to exist; and I heard the news of the illness and death of Senator BATE with the keenest sorrow.

Mr. President, this may be said of him, that when he breathed his last—and happily, he was spared a lingering illness—there followed him to his home in Tennessee the respect and affectionate regard of every member of the Senate, and the respect which all thoughtful people everywhere cherish for an honest, sincere, manly man, who had discharged to the full his duty in every relation of life.

Mr. PERKINS. Mr. President, in the Senate of the United States the true value of a man is soon ascertained. Not only is a member revealed to his associates, but often, I have no doubt, to himself. Many a Senator, I am sure, has here found that he possessed abilities and powers that he had only half recognized, and perhaps some of those qualities on which he had prided himself were found to be but weak tools for the work that had to be done here. Whatever there is in a man is here called into play, and he is judged through what he is shown to be, not through what his partial admirers may think he is. The character which is attributed to a Senator who has served a term, or nearly a term, represents the man himself as far as it is possible for associates to truthfully portray the character of those whom they know best.

Senator BATE was one who lost nothing by reason of the involuntary scrutiny to which all of us and all of our acts are here subjected. The noble qualities of mind and heart which were here shown compelled the most sincere respect; and the confidence which was reposed in his absolute honesty and unselfishness was strengthened as the years of his service increased in number. By his colleagues on both sides of this Chamber he was recognized as representing the very highest type of public man.

Senator BATE came from that part of our country where loyalty and personal honor are deservedly emphasized as the two highest virtues of man, public or private. Whatever views he might hold, whatever cause he might espouse, it was recognized that his position was taken as the result of impartial consideration and unselfish thought, and though others might not at all times agree with him, no one could raise a question as to his honesty, his conscientiousness, or his integrity of purpose.

His entire career is evidence of the simplicity and truth of his noble character. In two wars he exposed his life from the sense of highest duty to his people; and his many wounds received on the battlefield proved his energy and unshrinking courage in following the path to which that duty pointed.

Brave men in all parts of our country recognize and honor bravery wherever found, and to no one should such honor be more sincerely given than to Senator BATE.

Senator BATE was of that sturdy stock which carried the Revolutionary war to a victorious issue. There was inbred in him that quality of indomitable courage, that spirit of freedom, that determination to maintain at any cost whatever he believed to be right, which was the strength of the armies which fought under Washington and which won for us political liberty. It was this stock which gave to the people west of the Cumberland Mountains the characteristic virtues which they possess to-day. Senator BATE possessed them all in a marked degree; and they compelled him early to attain and in all his later life to maintain a leading position in the State which he made his home, whose people had so honored him again and again by electing him as their representative in the highest legislative body in the land.

His public spirit forced him into politics while he was yet young, and until his death he was more or less in public life. Fortunate is he who in so long and active a career can create such a record for unselfish devotion to the public welfare. For many years one of the most prominent and most trusted leaders of his party in Tennessee, he at last became governor, which office he administered for two terms to the lasting benefit of his State and with honor and credit to himself. From the governor's chair he came to the United States Senate, and here he found the opportunity to round out a most useful and honorable life. His honesty, courage, and ability were at once recognized, and he became one of the members of this body who had to be reckoned with on all important occasions. Vigilant and active, no matter of moment escaped him.

As chairman of the great Committee on Military Affairs he evinced a breadth of view and grasp of detail that showed him to be one of the most efficient of legislators. And on other important committees of which he was a member, his influence was felt as a force. In all public questions it was the greatest good to the greatest number at which he aimed, and to him we owe some of our most useful legislation. The Department of Agriculture, as at present constituted, is due principally to his efforts, and it was through him that the Weather Bureau was transferred from the War Department to the Department of Agriculture and divorced from the Signal Service, which has enabled its development to be effected until it has attained its present high state of efficiency. It was through his efforts that the so-called "force bill" was defeated, and in the debates on that measure, against which the whole strength of his manhood protested, Senator BATE delivered some of the strongest and most eloquent speeches ever heard in this Chamber. It was through him, also, that all laws providing for Federal supervision of elections were repealed, thus restoring to the people he loved so well the status from lack of which they had so long suffered. This great work was of incalculable benefit to our entire country, for through its means sectionalism was destroyed and the United States became at last and in fact one and indivisible. No service could be greater than this.

On an occasion similar to this Senator BATE said here, in reference to a deceased colleague:

In our civil war citizens of the same Commonwealth were impelled by that first and supreme necessity that is not chosen, but chooses; which is paramount to all deliberation and admits of no discussion and demands no evidence. They were forced into conflict by the operation of principles they did not originate and by circumstances over which they had no control. And now, since both sides, from their respective standpoints, believed they were in the right, let us on occasions like this, in this national forum, common in representation of all sections and all parties, bring wreaths to the "bivouac of the dead" without stopping to discuss the resolutions of '98 or the conditions which they created, or the wisdom or folly which inspired on the other side the spirit of fanaticism. Be our politics what they may, let us all honor the brave and heroic sons of all the States as models and exemplars of American character; and, since "grim-visaged war has smoothed his wrinkled front," let us honor those who were heroes in the strife with true American patriotism and pride.

We and the entire country can not only honor him who was a "hero in the strife" for his manliness, devotion, and heroism, but we can and do honor him with true American pride for the devotion and patriotism he has shown in this Chamber and for the example he has here set for all who love their country.

I was honored, Mr. President, by his personal friendship and received great benefit from his wise counsel. I owe him a debt of gratitude that can never be repaid. So, in this tribute to his

memory, I may well say that he has left us a splendid legacy, and if we profit by his example we shall all be better men and better citizens of this now happy and united country.

Throughout his long life Senator BATE demonstrated that his ambition was the highest that can actuate man—an ambition to do his full duty as he understood it, not only to those immediately surrounding him, but to all mankind. In this no thought of self appeared, and personal advantage, position, or the acquisition of wealth had no place in his scheme of life. When he died he left no great fortune to his bereaved widow and his children, but he did leave them what is of far greater value—an untarnished reputation; and I am sure that the members of his family in Tennessee and California—for some of them reside there—will guard and cherish this priceless legacy. In his case it is most clearly shown that a good name is better than great riches; and that can be bequeathed to his descendants by every man who will accept the precepts and follow the example of General BATE, the soldier and the statesman. As has been so well said of another who died upon the field of duty, we can say in memory of our departed colleague and friend:

When a star is quenched on high,
For ages will its light
Still travel downward from the sky,
Shine on our mortal sight.
So when a good man dies,
For years beyond our ken
The light he leaves behind him lies
Upon the path of men.

Mr. FRAZIER. Mr. President, the Senate of the United States has paused to-day in the discharge of its high and responsible duties to the people of this great nation to pay fitting and deserved tribute to the memory and character of a distinguished son of Tennessee.

Mr. President, in this mercenary age, when the minds of men seem to be so deeply absorbed in the problem of how money may be gotten and riches acquired, it is a relief and a solace to be able to study the character and honor the memory of one who devoted a long life of unceasing labor and unwavering fidelity to the service of the people.

WILLIAM B. BATE, late a Senator of the United States, representing in this Chamber the State of Tennessee, was born October 7, 1826, in Sumner County of that State. He died in the city of Washington on March 9, 1905, thus lacking only a few months of having reached the ripe old age of fourscore years.

For more than half a century the name of WILLIAM B. BATE has been familiar to every household in Tennessee, and in all his long and eventful career his influence has been potent for good. Few of the sons of Tennessee—and the State has been fruitful and rich in great men—have so universally commanded the respect and confidence of all the people as Senator BATE. Even his political enemies accorded him the just meed of praise due to the highest integrity, honesty of purpose, and purity of life. The people of Tennessee honored him as they have honored few of its citizens. He served the State long and faithfully. Once a member of the legislature, once attorney-general of his district, a soldier in the Mexican war, and again for four years a soldier in the civil war, twice Presidential elector, twice governor, and four times in succession elected to the Senate of the United States.

Every honor which the people of Tennessee had to bestow they freely gave to him, and his fidelity to each and every trust but proved that their confidence was not misplaced.

He died at his post of duty just as he was entering upon his fourth term in the Senate. Others may have served the State longer in some particular place; others may have made greater impress in certain fields of endeavor, but few have served the State in more ways and none with greater fidelity than Senator WILLIAM B. BATE.

He sprang from the body of the common people. Like so many others in the American Republic who have achieved fame and won renown, he had no noble ancestry to boast of, but he had that which in this land of equality of opportunity was far better—he had a sound body, robust intellect, the highest courage, rugged honesty, and a worthy ambition to serve his fellow-men.

His birthplace was in the rich, beautiful, and fertile basin of middle Tennessee, and in sight of the old fort overlooking "Bledsoes Lick," famous in the early settlement of the State as the scene of many fierce and bloody encounters between the red men and the daring pioneers, who braved the dangers of an unexplored wilderness and the savage foe to carry the vanguard of civilization across the Cumberland Mountains on its westward course and plant it on the tributaries of the Mississippi River.

Senator BATE sprang from that sturdy stock of virtuous and liberty-loving people, whose restless and adventurous spirit led them to seek a home in the wilderness.

They came armed with the rifle, the ax, and the Bible, sustained by a brave and self-reliant manhood. They came to clear the forest, to plant the field, to build homes, and lay the foundations of orderly government. They came determined to carve out of the wilderness, by the strength of their own right arms and brave hearts, an abiding place and to erect for themselves and their posterity a commonwealth, in which there should be guaranteed to all, to high and low alike, freedom of the person, freedom of religion, freedom of speech, and freedom of the press.

They were brave, hardy, and adventurous, but they believed in individual freedom. They believed in themselves and they believed in God. They had the American genius for state making. They were prominent as commonwealth builders.

From such an ancestry Senator BATE inherited and early imbibed that toughness of moral fiber and strength of character which, through a long life of public service, no temptation could ever weaken or impair. He was not born with a silver spoon. He had the good fortune of having inherited honest poverty and of being forced, in his youth, to undergo those hardships and privations which are so conducive to the formation of a strong and manly character.

He had the further blessing of having been born and raised on a farm, that fruitful nursery of great men, and to its hardships and struggles can be attributed in no small degree that physical endurance, moral strength, and intellectual force which marked his after life.

For an American boy to have been born and reared on the farm, where, in field and forest and by river, he can study and commune with nature and have stimulated within him a profound reverence for the grandeur of the universe and the divinity of God, is a blessing. To be denied it is a distinct and positive loss.

From the farm, that cradle from which has come so many of the nation's strong and forceful men, he was early forced out into the great world to meet and compete with his fellow-men.

His father died when he was a youth of 15 years of age, and he was left without the help and guidance of his parental care.

His early training was thus left to his widowed mother, and so strong was the imprint of this noble Christian woman impressed upon him that when in after years he decided to openly attach himself to the church, with a sentiment that was as tender as it was beautiful he went back to the old home, sought out and joined the church in which his mother had lived and died, and was baptized in the same crystal stream in which, more than three-quarters of a century before, she had been baptized.

For a few years he continued to work on the farm and at intervals to attend the old field school, with its house built of logs, whose curriculum, though circumscribed by the limited learning of its stern preceptor, was generally enough to sow the seed of knowledge and virtue that in the fullness of time would ripen into strong and vigorous manhood and character.

But the ambitious spirit of this farmer boy chafed under its narrow limitations, and he longed for a wider field of enterprise and endeavor. His first employment after he left the farm and home to go out into the world to meet his fellows in the fierce struggles and competitions of life, in which he was destined to win success and honor and fame, was as a clerk on a steamboat then plying between Nashville and New Orleans. He was in the latter city when war broke out between the United States and Mexico over the young and struggling Republic of Texas. His chivalric soul was fired with the story of that self-exiled Tennessean, Gen. Sam Houston, who had so mysteriously resigned the high office of governor of Tennessee and left his native State to win immortal fame at San Jacinto and found a new republic in the far-distant southwest, and at the heroic devotion and unparalleled courage of another Tennessean, Davy Crockett, whose sacrificial blood at the Alamo was to water the patriotic seed that should grow and ripen into the Lone Star State of Texas.

Burning with a martial spirit, young Bate promptly enlisted in a Louisiana regiment, and was thus the first Tennessean to reach the seat of war on the Mexican border.

He afterwards joined a Tennessee regiment and was made a lieutenant and participated with gallantry and distinction in most of the great battles of that war. He won merited distinction in war before he attained his majority.

At the close of the Mexican war he returned to his home in Sumner County, Tenn., and again began work upon the farm. He soon thereafter established a weekly paper at Gallatin, with the martial title of "The Tenth Legion." That paper was Democratic in politics, and was well and ably edited by its youthful proprietor.

Soon after attaining the age of 21 he became a candidate for the legislature from his native county, and after a spirited contest with older and better-known men he was elected and served the term with credit. In 1850 he determined to adopt the law as his profession. He thereupon sold his paper and entered the law school at Lebanon, Tenn., an institution widely known in the South, and from which many great lawyers of great ability and distinction and many statesmen of renown have graduated. He graduated in 1852, and at once began the practice of law at Gallatin, in his native county. His success was rapid and marked.

In 1854 he was elected attorney-general of the judicial district in which Nashville, the capital of the State, was situated. He held that office for a full term of six years and declined a reelection which was offered him. He discharged the onerous and trying duties of the office with such marked ability and zeal that his reputation as a sound lawyer and vigorous advocate extended beyond his district and were recognized throughout the State.

In 1860 he was placed upon the Breckinridge and Lane electoral ticket and canvassed his district. By the ability and eloquence displayed in that canvass he came to be recognized by the Democratic party of the State as one of its most zealous and able advocates. With the election of Mr. Lincoln to the Presidency the clouds of civil war began to gather.

By education and training and environment Senator BATE was a strict constructionist of the Constitution. He was a firm believer in the doctrine that a sovereign State which had voluntarily entered into the Union had a right, when in its judgment the constitutional compact was broken, to peacefully withdraw from the Union.

To him the civil conflict came as the only means of settling what he regarded as a great and fundamental constitutional question. He had no doubts, no misgivings as to the correctness of his position. He believed in the sovereignty of the State and in its necessary resultant, the right of secession, with all his heart, and acting on that belief, and actuated by the purest motives, and moved by the highest and most unselfish devotion to duty and to country as he saw that duty, the day after the first gun of the great fratricidal struggle was fired at Sumter he enlisted as a private in the Confederate service.

He was rapidly promoted to captain and to colonel, and in May, 1861, marched at the head of his regiment to the seat of war in Virginia. He, with his regiment, participated in the battle of Bull Run, where he and his gallant men received their baptism of fire. In that first great battle of the civil war he displayed that dash and courage that marked his whole military career. In February, 1862, the time of enlistment of himself and his men having expired, he appealed with such fervor to their pride and patriotism and manhood that his entire regiment reenlisted "for the war." His was the first regiment to display such devotion to the cause, and its example was inspiring to the whole army.

So much was this conduct of Colonel BATE and his regiment appreciated by the Confederate authorities at Richmond that they were given a sixty days' furlough, and Colonel BATE was allowed to choose the army with which he would thereafter serve. He selected the army of Tennessee, then in command of the gallant and gifted Gen. Albert Sidney Johnston. In the history of warfare there has seldom been exhibited a more unselfish and heroic devotion to a cause than was displayed by Colonel BATE and his regiment of gallant Tennesseans, when just preceding the great battle of Shiloh, at the call of their colonel, with unexpired furloughs still in their pockets, they met at the appointed place, re-formed, and moved forward to join the army in front on the eve of that noted battle, and were among the first to receive the fire of General Grant's legions at the opening of the battle of Shiloh.

On that memorable field of blood and carnage Colonel BATE had his horse killed under him and was himself severely wounded. In that fearful carnage his brother and two others of his kindred were killed, and still another wounded. So that out of one family there lay upon that bloody field near the old Shiloh Church five members, three dead and two wounded, a scene scarcely paralleled in the annals of warfare.

For gallantry at the battle of Shiloh Colonel BATE was commissioned by President Jefferson Davis brigadier-general.

From Shiloh to Murfreesboro, Chickamauga, Missionary

Ridge, north Georgia, around Atlanta, at Franklin and Nashville, in the many great battles fought by the Army of the Tennessee, General BATE was a conspicuous and distinguished figure, at his post of duty even when his unhealed wounds forced him to use his crutches. Always dashing, gallant, and courageous, he won from General Stewart the soubriquet of "The Indomitable BATE."

Through all those four years of suffering and hardships, of dangers and defeats, General BATE never once faltered or wavered; never once lost faith in himself, the courage and fidelity of his men, nor the justness of his cause.

He surrendered the shattered remnant of his division at Bentonville, N. C., only after it was known to all that the cause for which he had so gallantly fought and suffered was lost and further fighting was not only folly, but criminal madness. When the end came, and the Stars and Bars, which he had followed in victory and defeat with such unselfish devotion, was furled for the last time, with a spirit of frank and manly patriotism he accepted as final and conclusive every fair and legitimate result of the war. The issue had been submitted to the stern arbitrament of the sword; the decision had been against him. He accepted the result as a brave soldier and a true patriot should. He made no apologies for the past. He cherished no animosities for the future.

Like hundreds and thousands of others who had worn the gray in that terrible conflict, he said, "Let the dead past bury its dead." Not forgetting the glories and the sacrifices of the past, they turned their faces to the future and laying hold of the new and difficult problems that were pressed upon them they have helped to build here a greater, a richer, and a freer republic in one than could have lived upon this continent if divided into two.

General BATE returned to his home poor, wounded, and limping. He found his State devastated, homes destroyed, industries paralyzed, the labor system on which the South's wealth had depended not only disorganized, but, as a system, utterly destroyed. The slave had been freed, but the black man remained, and with him a problem unparalleled in its difficulties. To reorganize his State and bring it again into harmony with the other States of the Union, to revive old industries and construct new ones, to build up the waste places, to readjust society, and to reorganize labor and adapt it to the new and changed conditions which had come as the war's inevitable consequence were problems which demanded the highest statesmanship and most patient conservatism.

General BATE saw and accepted the situation—the inevitable—and with the truest patriotism addressed himself to the just and peaceful solution of these large and difficult problems. He did his full duty as a citizen to bring peace and order out of chaos. He advised his comrades in arms to turn their faces to the future and to devote their energies to rebuilding their shattered fortunes.

After the surrender in 1865 General BATE resumed the practice of law at Nashville and continued in active and successful practice till 1882, when he was nominated and elected governor of Tennessee. He was again elected in 1884, and served his State in that high office for two full terms with marked distinction and ability. In 1887 he was elected to the United States Senate, where he continued to represent his State by successive elections till the day of his death. He had just entered upon his fourth term when he died. Of his services here I need not speak, as others who served with him and knew and appreciated his honesty and fidelity to duty have done so.

Senator BATE was no ordinary man. When we see him a poor, fatherless plowboy at 15, with meager educational advantages and no extraneous influences to aid him, by dint of his own laborious efforts and solid worth rise step by step until he became a major-general in the greatest war of modern times, the chief executive of his State, and an honored and respected member in the highest legislative council of the greatest nation of the world, we must confess that there was somewhere in the man some uplifting force that made him great and strong. Where lies the hidden spring, the secret power?

From long and, I confess, a not impartial study of Senator BATE as a man, citizen, soldier, and public official my firm belief is that the key to his character, the mainspring of his success in life, are to be found in his honesty and fidelity.

Senator BATE was an absolutely honest man. He never owed any man a debt that he did not pay. He never took from any man a dollar that he did not believe was justly his. He was not only honest in the narrow commercial sense of fidelity to every financial obligation, but in the higher and broader relations of life. In dealing with his fellow-men, in business, in

politics, in every relation of life, he was always frank, straightforward, and honest.

His word was as good as his bond, with security. Direct, resolute, sometimes stern even to abruptness, he created enmities and was often maligned, but no man ever successfully maintained the charge that he failed to meet an obligation or to keep faith with any one of his fellow-men.

Careful, cautious, even slow to make up his mind and incur an obligation or to espouse a cause, when Senator BATE's word was once given he to whom it was given might go his way in peace, with absolute faith that that word would be made good at any sacrifice. Senator BATE's fidelity to duty was not less marked than his honesty in dealing and in purpose.

In every walk of life, from musket bearer to division commander, from steamboat clerk to governor's chair and Senator's seat, his fidelity to every trust was stern, unyielding, Spartan. From the path of duty as he saw it, from fidelity to those who trusted him, no threat or danger could drive him, no temptation could allure him. He stood always firm and uncompromising for the right, as his faith and his conscience pointed the way.

Faith in himself and the justness and purity of his motives and fidelity to obligations and to duty made him strong and forceful in the accomplishment of his purposes. He was as faithful to principle as to personal obligation. He deserted no cause which he had espoused. He compromised no principle in which he believed. Convinced that the States had a right, under the Constitution, to secede and that they had sufficient cause to justify the act, he unhesitatingly bared his bosom and risked his life and was ready to sacrifice his all for the maintenance of that principle. A Democrat and a strict constructionist of the Constitution on principle, no question of personal gain or popularity or of party exigency ever caused him to waver in his fidelity to that principle. He believed his construction of the Constitution was right, and from it he never swerved. He never wavered in his fidelity to truth as he saw it, to duty as it was given to him to understand it, to the Constitution as he interpreted it.

He had faith in and a deep-seated love for our form of government. He had faith in the people and never doubted their capacity for self-government. He trusted the people. The people trusted him. There were others to whose brilliancy of speech or boldness of achievement the people may have accorded a higher admiration, but there was none in whose fidelity to duty and honesty of purpose the masses of the people reposed a sublimer faith. Senator BATE was faithful to every trust. No son of Tennessee ever bowed his head in shame because he was unfaithful to obligation or to duty.

While he was their servant the people went quietly to their fields, to their shops, to their several avocations, knowing that he who bore their high commission in the council of the nation was as faithful to duty as the needle to the pole, as pure in life as the translucent waters that flow through the verdant valleys, and as firm in character as the everlasting mountains of his native State. My father's friend, I can not remember the time when I did not know Senator BATE. I was taught to honor and respect him; his friendship and fidelity made me love him. I sought his counsel. I was guided by his wisdom. His last official act was to dictate and sign a letter to me on the day before his death. It was the last time he ever signed his name, and so firmly was his hand held in the grip of death that the name is scarcely legible. It related to the disposition of the Confederate flags, ordered returned to the States by a resolution of Congress, about which, as governor, I had asked his advice—the old, tattered banners, only representing a lost cause, a sentiment, if you please; but to him, even in his hour of dissolution, it was the Cross of St. Andrew, under whose stainless folds he had charged to victory and to glory.

Mr. President, the upright citizen, the pure patriot, Senator WILLIAM B. BATE, whose long and eventful life was devoted to his country's welfare, was faithful to the end. He died at his post of duty. He sleeps beneath the blue-grass sod of his native State, which he served so long and loved so well. Peace be to his ashes and honor to his memory.

At the close of his address, Mr. FRAZIER said:

Mr. PRESIDENT: I ask for the adoption of the resolution I send to the desk.

The VICE-PRESIDENT. The Senator from Tennessee proposes a resolution, which will be read by the Secretary.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The resolution was unanimously agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 18, 1907, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 17, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.
The Journal of yesterday's proceedings was read.

MEMORIAL ADDRESSES ON THE LATE HON. RUFUS E. LESTER.

Mr. OVERSTREET of Georgia. Mr. Speaker, I ask unanimous consent for the present consideration of the following order.

The Clerk read as follows:

Ordered, That Sunday, February 10, 1907, at the conclusion of the addresses on the life etc., of Hon. ROCKWOOD HOAR, shall be set apart for memorial addresses on the life, character, and public services of Hon. RUFUS E. LESTER, late a Representative from the First Congressional district of Georgia.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The question was taken, and the order was agreed to.

SUBPORT AT BELLINGHAM, WASH.

Mr. NEEDHAM, by direction of the Committee on Ways and Means, reported as a privileged report the bill (H. R. 23114) extending to the subport of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

Mr. MANN. Mr. Speaker, I desire to reserve the point of order as to whether this report is privileged or not. I am not at all certain that it is.

The SPEAKER. Does the bill make any charge upon the Treasury?

Mr. NEEDHAM. I think not.

The SPEAKER. Then it would go to the House Calendar.

Mr. NEEDHAM. It has been the custom to present similar bills as privileged reports.

The bill was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NEAL O'DONNELL PARKS.

The SPEAKER laid before the House the bill (H. R. 16169) granting a pension to Neal O'Donnell Parks, with a Senate amendment, which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

ELIZABETH MOORE MORGAN.

The SPEAKER also laid before the House the bill (H. R. 19035) granting a pension to Elizabeth Moore Morgan, with Senate amendments, which were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

EMILY FOX.

The SPEAKER also laid before the House the bill (H. R. 19462) granting an increase of pension to Emily Fox, with a Senate amendment, which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

ELIZABETH MADDOX.

The SPEAKER also laid before the House the bill (H. R. 19528) granting an increase of pension to Elizabeth Maddox, with a Senate amendment, which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

MICHAEL V. HENNESSY.

The SPEAKER also laid before the House the bill (S. 822) granting a pension to Michael Hennessy, with House amendment nonconcurring in by the Senate.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House insist upon its amendment, and agree to the request of the Senate for a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON of Alabama as conferees on the part of the House.

WILLIAM H. KIMBALL.

The SPEAKER also laid before the House the bill (S. 4908), with a House amendment nonconcurring in by the Senate.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House

further insist upon its amendment and agree to the request for a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON of Alabama as conferees on the part of the House.

GEORGE A. TUCKER.

The SPEAKER also laid before the House the bill (S. 5041) granting an increase of pension to George A. Tucker, with a House amendment thereto disagreed to by the Senate, and a conference requested.

Mr. LOUDENSLAGER. I move that the House further insist on its amendment and agree to the conference requested by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON of Alabama.

BETTIE MAY VOSE.

The SPEAKER also laid before the House the bill (S. 6833) granting an increase of pension to Bettie May Vose, with a House amendment thereto disagreed to by the Senate, and a conference requested.

Mr. LOUDENSLAGER. I move that the House further insist on its amendment and agree to the conference requested by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Messrs. LOUDENSLAGER, DRAPER, and RICHARDSON of Alabama.

JAMES M. DARLING.

The SPEAKER also laid before the House the bill (H. R. 8631) for the relief of James M. Darling with a Senate amendment thereto.

Mr. HUMPHREY of Washington. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

BRIDGES ACROSS TUG FORK OF BIG SANDY RIVER.

Mr. HUGHES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24109) to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug Fork of the Big Sandy River.

The SPEAKER. The gentleman from West Virginia asks unanimous consent for the present consideration of the following bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Norfolk and Western Railway Company, a corporation organized under the laws of the State of Virginia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate bridges and approaches thereto across the Tug Fork of Big Sandy River at such points where the same forms the boundary line between the States of West Virginia and Kentucky or the boundary line between the States of West Virginia and Virginia, as the said company may deem suitable for the passage of its road over the said Tug Fork of the Big Sandy River in the States of West Virginia and Kentucky and in the States of West Virginia and Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, I should like to ask the gentleman if these are the same bills that we had up here two or three years ago?

Mr. HUGHES. Bills of the same nature.

Mr. CLARK of Missouri. Is this unanimously reported from the committee?

Mr. HUGHES. It is unanimously reported from the Committee on Interstate and Foreign Commerce.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. HUGHES, a motion to reconsider the last vote was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GILLET. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24103—the District of Columbia appropriation bill—with Mr. MANN in the chair.

Mr. GILLET. Mr. Chairman, I yield one hour to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. CLARK of Missouri. Mr. Chairman, before the gentleman begins, I should like to ask the gentleman from Massachusetts, for the information of several of us who have something else to do, about how long he thinks this general debate will run?

Mr. GILLET. I have no further requests, after the gentleman from Pennsylvania [Mr. OLMSTED] concludes. I understand the gentleman from Texas [Mr. BURLESON] has promised half an hour.

Mr. BURLESON. Thirty-five minutes.

Mr. CLARK of Missouri. That will be all the general debate?

Mr. GILLET. Beyond that I know of no further general debate.

Mr. OLMSTED. Mr. Chairman, I do not intend to occupy so much time as has been allotted to me, as my voice is hardly in condition to say all that I wish to say. I may desire to insert some statistics or other matter that I shall not take time to read, and will therefore ask unanimous consent at this point to revise and extend my remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. OLMSTED. Mr. Chairman, I ask attention for a brief period this morning to a matter in which a great many good people all over this land are interested, namely, the welfare of those wards of the nation, the American Indians.

In the Indian appropriation bill as it passed this House at this session there was this paragraph:

For support and education at Indian school at Carlisle, Pa., for transportation of pupils to and from said school, and for general repairs and improvements, \$163,000; for additional salary for superintendent in charge, \$1,000; for employees' quarters, \$5,000; in all, \$169,000.

Now, it is known that in another body an attempt will be made either to strike out this appropriation entirely or to so amend the bill as to cut off, at a stated period, this Carlisle Indian School. As there may not be an opportunity when the bill comes back to this House for much discussion, I ask your patience for a few minutes this morning while I explain the origin, purpose, progress, and usefulness of the United States training school for Indians at Carlisle, Pa.

Away back in 1777, mostly by the labor of Hessians captured by Washington at the celebrated battle of Trenton, there were erected extensive barracks at Carlisle. By 1846 they had reached such proportions that they were capable of housing 2,000 men and caring for their horses. At that time the buildings were splendidly fitted up by Capt. E. V. Sumner, in command of the post, and largely devoted to the uses of a United States cavalry school until the civil war, when the troops at that point were drawn into active service.

At about the close of the civil war these barracks were used for the housing of Indian captives, in charge of Capt. R. H. Pratt. Late in the seventies or early in the eighties there was conceived and carried into effect the idea of establishing and maintaining at that point a school for the industrial training of Indian boys and girls.

Captain Pratt (afterwards colonel and now retired as brigadier-general) was placed in command and proved himself the right man for the place. He was eminently successful. Upon his retirement he was succeeded, some two or three years ago, by Maj. W. A. Mercer, the present superintendent, with whom I am not personally so well acquainted, but who seems to maintain the high standard of the institution.

The progress of this Indian industrial school at Carlisle has been remarkable. It has become, and now is, the largest, the most celebrated, the most useful, and, proportionately, the least expensive of all our Indian schools. Those persons throughout the entire country most interested, and who have given the most studious thought and care to the welfare of the Indian, have watched with increasing pride and satisfaction the growth, progress, and increasingly useful career of this institution.

Separated from their tribal relations the Indian pupils have taken a greater interest in acquiring useful knowledge and have gained greater proficiency. The discipline of the institution is perfect, and the training there given them is of a plain and practical character, fitting them not only to be independent and make their own living, but to be useful to the communities in which they may ultimately find employment and make their homes.

The location of this school is ideal. The Government owns several hundred acres of land in the beautiful, fertile, and far-famed Cumberland Valley. The buildings are near, indeed within, the corporate limits of the peaceful, orderly, and attractive borough of Carlisle, and in the heart of as fine an agricultural region as there is in the country. The farmers thereabouts are sober, industrious, and thrifty people, setting good examples for the young Indians, many of whom are employed

by them during the summer months, earning good wages in every variety of farm work. Although in the early days of the country the Indian depredations and outrages in that vicinity were almost without number, it has come to pass that the inhabitants look with extreme kindness upon these Indian boys and girls, and the sentiment toward them is of the very best.

The Government buildings are adequate for the care of 1,200 or 1,500 pupils. The sanitary conditions of the location and of the grounds and buildings are excellent. Within the past year a new auditorium has been completed, with a seating capacity of 1,200. It is plain in character, with a large stage equipped with the necessary fittings, electric lights, etc. There is also a new library and spacious, comfortable, well-lighted reading rooms in connection therewith. The Government has in late years spent very considerable sums in enlarging and putting all these buildings in the very best condition. There is a fine greenhouse and a large orchard and gardens. The pupils are practically trained in the culture of fruit and berries, plant propagation, the raising of vegetables, the care of all kinds of fruit trees, flowers, shrubbery, and decorative and foliage plants. The grounds are beautifully kept by the Indians themselves and are the subject of the pleased comment of thousands of people who visit them annually.

The greatest objection that I have ever heard urged to this school was that the "higher education" does not in the end prove beneficial to Indians. That objection I think comes from people who have not carefully considered the character of the training and education which is bestowed upon them at Carlisle. Perhaps I can not more concisely set forth the character of the education given to these pupils than is done in the reports of its superintendent made to the Bureau of Indian Affairs. I wish to illustrate by the reading of this report the character of the "higher education" which is here given to the Indians. The superintendent says:

Industrial work along fourteen lines, under the immediate direction of Superintendent of Industries Thompson, was pursued regularly and energetically, with satisfactory results, considering the condition; but there was lacking equipment in some of the shops necessary to the attainment of desired results. However, the deficiencies are provided for, and another year the courses in carpentry, blacksmithing, and wagon making will be much improved, and additional work given in construction.

Class work and individual instruction were given in sewing, cooking, and laundry. The plan of assigning a number of girls to special duty in the kitchen for individual instruction was pursued with great success. Each girl was assigned a table which she was obliged to take care of, and for which she prepared and cooked food for ten, discretion being allowed somewhat as to variety and method of preparation, which induced friendly rivalry. Credit is reflected upon the girls' work by the fact that their tables were so much desired that it was found necessary to assign new tables weekly, to the end that all could in turn have the benefit of them.

In the sewing room and laundry older and well-instructed girls were put in charge of classes, thus giving responsibility, which increased and confirmed their knowledge.

The two large farms were conducted as in the past, and while good results were obtained, there is much room for improvement in methods of instruction and resulting products, in both of which better success is expected the coming year.

And again as follows:

Much attention was given to systematic physical exercises for both boys and girls, the good results of which are noticeable in the finely set-up appearance of both, the increased average good health, and apparent expressions of content and happiness. In athletics our track team won noted victories over large colleges and made excellent records; in baseball we did well, and our football eleven was most successful. As the students engaged in athletics, even the members of our teams, are required to keep up the schoolroom and industrial work, there are no bad results, but much that is of benefit to the individual and to the school in the pleasant diversion it lends to the regular work and most desirable and beneficial break in the monotony of school life which it provides, and all at no expense to the Government. In fact, the money received from two or three of the important games of football has maintained the athletics of the school, prepared field, built training cages, bought equipment, paid coaches, provided funds for the special instruction at summer schools and for the higher education of individuals which would otherwise have been impossible, and made it possible to meet without serious handicap in tests of strength, skill, and endurance their white brethren of the colleges with great credit and much benefit to themselves. For the first time Haskell and Carlisle met on the gridiron and in a most interesting game at the St. Louis Exposition. Carlisle was decidedly victorious.

The outing system as carried on for a number of years past was continued successfully. It is productive of the very best results and is one of the most valuable aids to the practical education and general uplifting of the Indian youth, and is made possible to the great extent in which it is conducted here only by the splendid Christian and industrial environment of the school.

Now I call your attention to this paragraph in his report for 1906:

The industrial work has been more thoroughly organized and more closely supervised, especially as to the several trades, with correspondingly increased results. Several new woodworking machines propelled by electric motors were installed in the carpenter shop nearly a year ago. Since that time all of the millwork for our new buildings, for our many improvements, and for our numerous repairs has been turned out from that shop; also the cases, in hard wood, for our new library, and a large amount of cabinetwork, besides tables, stands, chairs, etc. During the year about eighty-five sets of double harness and a number of wagonettes, wagons, buggies, and surreys have been

made for western schools and agencies. That they were satisfactory was evidenced by several duplications of orders. The training in the several trades is thorough and practical. They include, for the boys, carpentry, blacksmithing, wagon making, painting, tinsmithing (especially roofing work), harness and shoe making, printing, baking, steam and pipe fitting, tailoring, plastering, masonry, and cement work, the last three named having been added during the past year; for the girls, sewing, laundry work, and practical housekeeping are thoroughly and systematically taught. All the uniform dresses and much of the other clothing, shirts for large and waists for small boys, as well as table and bed linen, towels, etc., for the school, are made in the girls' sewing department. The tailor shop makes nearly all the uniform suits for the boys.

In all our industrial work special stress is placed on having our instructors instruct and make the pupils do the work, so that we are able to say our manufactured products are in fact the work of our boys and girls. Further than this, the plan is adopted whenever opportunity offers to place our most advanced and capable boys and girls in charge of classes. Thus individual power is developed beyond the point of mere training, so that many of our students are equipped for positions in the Indian Service or for the direction of hired labor on their own account.

Our two school farms, with a total area of about 300 acres, nearly all of which can be cultivated, have produced good crops and, with the exception of some potatoes for the mess and a small quantity of forage for the stock which had to be bought, have supplied an abundance of vegetables for the pupils and the subsistence required for our horses and our large dairy herd. The soil is, however, very much impoverished as a result of too persistent cropping and insufficient fertilization. Plans have been formulated not only to improve the fertility of the farms as speedily as possible, but to raise all the forage required at the school, even for an increased dairy herd which now comprises eighty-six head. The farms are conveniently located with reference to the school, and a large number of our boys get practical training at farm and garden work and the care of stock during the year. The dairy boys are taught how to care for and milk the cows, and how to take care of the milk and cream and how to make butter.

Our poultry yard has been enlarged by the addition of three new houses, and it is the purpose to greatly increase and thoroughly organize this industry, not only for the sake of the greater supply of eggs and poultry for the children's tables, but so that the students may receive more thorough training in and become interested in poultry raising, which should go with every rural home. Already our flock has been increased from 500 or 600 to more than 2,000.

At this school, however, our outing system provides the most practical training possible for our boys in the conduct of a farm, the care of stock, etc., and for our girls in housekeeping and domestic economy. Under the system all our students spend two winters and at least two and in many cases three summers in one of the best rural homes in eastern Pennsylvania or New Jersey. During the past year the outing work has been carried on with the usual satisfactory results. The total number of students "out" during the year was 693, of whom 372 were boys and 321 girls.

To illustrate still further the practical nature of the "higher education" complained of, I read from the commencement address of the superintendent in 1906, as follows:

The industries taught are carpentry, blacksmithing, printing, tailoring, wagon making, carriage and house painting, calceining, upholstering, tinsmithing, shoemaking, harness making, steam fitting, plumbing, farming, dairying, stock and poultry raising. The industrial department has been improved by adding bricklaying, stone masonry, cement work, lath and plastering, photography, and increased in possible efficiency, obtained by extending the work in nearly every branch, by adding machinery, and generally better systematizing the course in many industries. In photography splendid work is being done, and it is exceedingly interesting to many of the youth with artistic talent, besides being inordinately patronized, whereas a few years ago there was almost universal objection among the Indians, amounting in most cases to superstition, to having their photographs taken. I recall an event of but six years ago wherein I had much difficulty in saving a friend from being shot by an angry Indian whose pappoose he had snapped with a kodak. The incident would have been most laughable if it had not embodied such serious possibilities.

I will not consume time by further readings. I have sufficiently shown the branches in which young Indians are educated and made proficient at Carlisle. Now, Mr. Chairman, is it "higher education" or is it too high education to teach these young boys to make harness, to make horseshoes, to build wagons, to lay bricks, to become stone masons, to make tables and stands and chairs, to become tinners, carpenters, steam fitters, pipe fitters, and the like? Is it a useless and unnecessary sort of education to teach young Indians to shoe horses, to milk cows, to plow a straight furrow, to sow wheat, to mow, to reap, to husk corn, and perform all the other industries known to farm life? Is it undesirable that these Indian girls shall be taught to bake, to do laundry work, to do housework of all kinds, to make their own dresses, to make shirts for the boys, and generally to be qualified to make their own honest living?

It seems to me that this is the very best kind of "higher education" that could be bestowed upon these pupils—the best for them and best for the country—because it makes them self-sustaining, useful, and independent citizens.

Another objection urged is that it would be better to educate them upon the reservations among their own people. I doubt it. I do not believe it. I have high authority to the contrary. In a letter addressed to the National Educational Convention at Ocean Grove, N. J., in August, 1883, the then Secretary of the Interior, Hon. HENRY M. TELLER, said:

The agency schools are not regularly attended, and the children derive but little benefit therefrom.

That was a good while ago, and I doubt not that conditions are very much improved at the agency schools since then. I

am making no attack upon them; I believe they are doing much good. But I do not believe they are doing as much good as the school at Carlisle. I have in my possession a letter from a gentleman who has lived ten or fifteen years upon, or in the vicinity of, an Indian reservation, upon which there is a school. He tells me that he was never able to find an Indian who could do housework nor one who could do baking until he found one who had returned from the Carlisle School. He says he has never known a pupil of an Indian reservation school who could bake. Is it detrimental higher education that an Indian girl or boy should know how to bake? At the Carlisle School a little Indian, rejoicing in the somewhat inappropriate name of Goliath Big Jim, bakes every day, or superintends the baking of, five barrels of flour into very good bread. All of the girls and many of the boys who graduate at Carlisle are proficient in that art.

Mr. STEPHENS of Texas. Will the gentleman permit a question?

Mr. OLMSTED. Yes.

Mr. STEPHENS of Texas. I desire to ask the gentleman whether or not he does not think it an unnecessary expense to send Indians from one to two thousand miles, to a different climate, where it is much colder than the climate to which they are accustomed, and where they are more susceptible to fatal diseases, especially consumption and kindred diseases, together with the additional trouble of carrying them so far away from their homes, away from their people and their kindred? Does not the gentleman think it would be much better to have these schools near the reservations, whether they are on the reservations or not, and should it not be the desire and intention of the Government to locate those schools in the neighborhood of the State or Territory where the Indians are situated, instead of expending so much money and sending them so many hundred miles away, as they do now, to a different part of the country, where they can not have the sympathy of their home people and of their families?

Mr. OLMSTED. Mr. Chairman, those are perfectly proper and relevant questions, natural questions perhaps, and I am very glad to answer them. As to the matter of expense, experience and statistics show that, even including the transportation, they are cared for at less cost per capita at Carlisle than at any other Indian school in the United States. That is partly owing, perhaps, to the fact that there is a greater number there and partly to the fact that the Government owns in connection with the school a large and fertile farm, worked by the Indians, which furnishes a very considerable proportion of the provisions for their support. Now, experience also teaches, I think, that they do better at this school than they do at or near the reservations. Separated from their tribal relations they seem to take a greater interest in acquiring education and achieve greater proficiency. That they do have the sympathy of their home people and families is well known. It is also shown by the innumerable applications from Indian parents for the admission of other children.

Mr. BURKE of South Dakota. Will the gentleman permit an inquiry on that point?

Mr. OLMSTED. Certainly.

Mr. BURKE of South Dakota. I would like to ask the gentleman if it is true that after the Indian leaves the school and returns to his natural environment, namely, the reservation, whether or not he is as well fitted to go again amongst his brethren as he would be if he was educated in his environment; that is, at home or near home?

Mr. OLMSTED. That also is a perfectly proper and relevant question, Mr. Chairman, and I think can be readily answered. In the first place, a great many of these Indians never do go back to the reservations. One argument which has been used against this school is that they will go back to the blanket. It may be that a few of them do, just as it is true that some pupils in our great universities fall to avail themselves to the fullest extent of their opportunities and go back to idle, indolent, useless lives. But it is true only to a small degree of the pupils of the Carlisle school. Colonel Pratt, who was in charge of this school for many years, said two or three years ago in a speech at Wilmington, Del., that within 80 miles of that town there were over 200 Indian graduates, some of them domestics in white families, others doing carpentering, blacksmithing, and other work, and it is so to-day. There are graduates of that school working as telegraph operators and at innumerable trades and occupations. Thirty-four Carlisle Indians served in the Spanish-American war and made excellent soldiers. At least seven of them enlisted in the Navy. A few of them, after leaving the Indian school, have graduated at Dickinson College. I am advised that at least one United States Senator has

living with his family in Washington as cook or house worker at least one girl from Carlisle, and he has found two or three of them useful in his own home. He has reported that his family is well pleased with their proficiency and with their services.

The Carlisle pupils are employed in families and upon farms in Pennsylvania, New Jersey, Maryland, and Delaware. A great majority of them never do go back to the reservations. I think those who do go back are even better qualified to work among their relatives and friends and bring them up to the standard of independent living, which after all is what we ought most to desire in the education of the Indian.

Mr. BURKE of South Dakota. I would like to ask the gentleman if he knows what the average period of time is for pupils at the Carlisle school?

Mr. OLMSTED. The full course is about five years.

Mr. BURKE of South Dakota. And is it not true that as a rule pupils who go to Carlisle do not return to their homes until such time as they have graduated or left the school?

Mr. OLMSTED. Well, they do not all graduate. I am unable to say about the extent to which they visit their homes during their school course. I know that very often their parents visit them. I know their parents are very much interested in this school, and it is a singular and pertinent fact about this school, Mr. Chairman, that it does not have to send out agents to secure pupils, but applications are made by the parents of the Indians to an extent beyond the capacity of the school. There are always applications for more pupils than the school can accommodate, showing that the Indians themselves take a great interest in this school.

Mr. BURKE of South Dakota. I want to say to the gentleman from Pennsylvania that I have always supported the appropriations for the support of the Carlisle school, and I have done that because I believe in the education of the Indian up to a certain extent. I have some misgiving about the advisability of continuing indefinitely a school for Indians at Carlisle, away from their homes and the States where they reside, unless there is going to be some way to find employment for the pupils and graduates of that institution in the locality of the school rather than that they go back to the reservation. Now, everything that is taught at Carlisle that the gentleman has enumerated is taught in every well regulated Government Indian school. We have in the West many schools that are known as nonreservation schools, yet they are adjacent or close to the reservation and practically are the same as the schools on the reservation, and everything that the gentleman has mentioned, I think, is taught in most of those schools, and they are taught along the industrial lines and the other lines that the gentleman has suggested. But I doubt, as I said, whether it is advisable to continue educating Indians at Carlisle unless it is with the intention that after they leave the school they will remain in the environment of their education rather than to return to the reservation.

Mr. OLMSTED. Mr. Chairman, there is not the slightest difficulty in finding employment for every graduate of the Carlisle Indian School within a hundred miles of the school itself. There is, indeed, a great demand for these pupils—greater than the school can supply—and if any one of them does go back to the West it is because of his own choice or the choice of his parents. Some of them do go back and enter the Indian Service of the Government.

Mr. STEPHENS of Texas. Will the gentleman permit an interruption there?

Mr. OLMSTED. Certainly.

Mr. STEPHENS of Texas. In order to give some light on the proposition which the gentleman has just stated, that there is a great demand in these various schools for Indian children, I will state that in the El Paso district, in my State, which I recently represented, they were so anxious to get children for these various Indian schools in the United States that they sent down there and took a lot of Mexican children. It is true that these Mexicans have some Indian blood in them, because it is a mongrel race. They procured thirty or forty of those students, prepared them for different schools in Oklahoma and Indian Territory, and they became dissatisfied. After they had been up there for a while, they applied to the Secretary of the Interior and to the school authorities to be relieved, so that they could go back home.

They refused them, and they then filed some kind of legal proceedings, setting up the fact that they were citizens of Texas and that we had free schools there and free school facilities, probably the best in the United States, and that these were not Indian children, and on the facts shown they were compelled to turn loose our Mexican citizens and send them back home. I want to suggest to the gentleman that it is a fact that these

schools are now seeking students all over the United States, any one with Indian blood in them, whether they are citizens of the United States or the State or Territory in which they are located, and counting them in the schools for the purpose of getting \$167 a head per annum, to which these children are entitled. I think as soon as the parents of an Indian child become citizens of the United States that this Government should no longer be charged with educating that child, but that the States or Territories should have that child. The lands belonging to the Indians are being allotted to them very fast, and the decisions of the court and the law is that as soon as the lands are allotted to the Indians they become citizens of the United States; hence a citizen of the State or Territory in which they reside. Their children then are entitled to enter the public schools of that State or Territory, and they should be taken off of the United States. If that is done, in ten years or less time there will be no Indian children competent to send to Carlisle or to any of these large schools. I believe we are spending an immense amount of money now uselessly.

Mr. OLMSTED. Well, Mr. Chairman, the observations of my friend are hardly applicable to the case in hand or to the Carlisle School. There has never been any occasion for this school to send out agents to drum up pupils whose entrance would be of doubtful propriety; nor, indeed, to solicit pupils at all. It is unable to care for all the applicants it has, although the average attendance is about 1,000. The cost of keeping the pupils in this school, board and clothing, is only about \$143 per capita, exclusive of transportation, which is much less than they are kept for in any other school.

When the time comes that there are no pupils who can be properly kept in school, then we may have to consider the abolition of all the schools. But that time has not come and is not even near at hand. We now have about ninety reservation Indian schools, boarding schools, and twenty-five nonreservation Indian boarding schools, not far removed from the reservation. The only one far distant is that at Carlisle. It was an experiment, but it has proved a wonderfully successful one, and it would be the height of folly to cut it down in the midst of its usefulness.

We have also, supported at Government expense, 146 day schools, and there are in course of construction nineteen new buildings to be used as day schools upon the reservations. In the ninety reservation schools there were in 1906 11,007 pupils enrolled. In the twenty-five nonreservation schools there were 9,279 pupils enrolled, of which 1,025 were at Carlisle. In the day schools there were 4,476 pupils enrolled. All of these schools are, I have no doubt, doing good work. I do not desire to be understood as making any attack upon or criticism of any of them; but it is easily demonstrable that the school at Carlisle is doing more good and accomplishing a better and higher purpose than any of the others. It ought to be the last, instead of the first, to be abolished. We have also at Hampton a school where some Indians are educated, partly or wholly at Government expense. Then, at Philadelphia, we have the Lincoln Institution, where Indians are educated at the private expense of charitable and philanthropic persons who are interested generally in the Indian cause.

There are also upon or near the reservations some forty-five mission schools, maintained by Christian churches of various denominations, for the education and training of Indians. The Catholics have been and are particularly interested in such schools, and other churches are doing something in the same line.

Now, another branch of education taught at Carlisle is illustrated in the fact that these Indians have a band of sixty pieces. Is it detrimental or in any way objectionable higher education to teach an Indian to blow his own horn? That he certainly does blow it successfully was apparent when that band marched down Pennsylvania avenue in the grand procession incident to the inauguration of Theodore Roosevelt at the head of 400 Carlisle Indian cadets.

Is it an objectionable higher education that these youths are taught discipline, soldierly bearing, and orderly conduct? Those cadets had no occasion to be humiliated in the presence of the military cadets of West Point or the naval cadets from Annapolis. The Indian boys suffered nothing by comparison. Their appearance elicited this favorable comment in a letter written to their commander by Hon. F. E. Leupp, the Commissioner of Indian Affairs. He said:

I wish you would say to the boys who took part in the inaugural parade that I was more than gratified—I was positively astonished—at their fine marching and soldierly appearance. Wherever I have gone in Washington since that day people have been talking about the Carlisle cadets, and I have been very proud of having them under my jurisdiction. I hope to be able to say something of this face to face when we meet at commencement.

The Secretary of the Interior was also so gratified that he wrote the commander, saying:

It gives me very great pleasure to congratulate you and through you the Carlisle boys, whose fine appearance, soldierly bearing, and excellent performance while participating in the inaugural procession here on Saturday last elicited great applause, especially from the President, the members of the Cabinet, and others who had the pleasure of witnessing them as they passed by the President's stand, and, I am informed also, all along the route of the procession that day.

Please thank your boys for me for this demonstration of their appreciation in part of the efforts the Government is making in behalf of their education.

I am sure, Mr. Chairman, that no organization participating in that day's procession received more plaudits than did the Indian cadets of the Carlisle School. The regiment was accompanied by six noted chiefs—Geronimo, American Horse, Hollow Horn Bear, Quanah Parker, Little Plume, and Buckskin Charley—who acted as aids to the commander, showing the interest that these noted chiefs and all Indians take in this school as well as the whites who watch its progress so closely.

Mr. Chairman, I have heard it stated, and believe it to be true, that no pupil of the Carlisle School, and no father of a pupil of the Carlisle School, has ever taken arms against the Government. It is a great agency of peace in more ways than one.

And now another branch of this higher education—and let me say here in reference to the suggestion of the gentleman who just interrupted me—in it they obtain a greater proficiency than is acquired by pupils in the reservation schools. While it is true that many of those branches are taught in the reservation schools and nonreservation schools near the reservations, the pupils have obtained greater proficiency at Carlisle for two reasons: First, they are farther separated from their families and friends, just as we send white boys away from home in order that they may better learn, giving their whole attention to study without the distractions of home surroundings, and may also learn independence; second, the course is five years, as against three years on the reservation schools.

Another branch of the higher education in which they are taught is football, baseball, and other athletics. It has come to pass in these latter days that the standing of a college or university is judged largely by the success of its football team. Measured by that test the Carlisle School not only excels all other Indian schools, but compares favorably with many of our large colleges and universities, and stands in a class with Harvard, which was able to score only six points against the Indian team in the past year's contest.

Mr. PAYNE. Would the gentleman advocate the creation of a school for the purpose of teaching football to these Indians?

Mr. OLMSTED. Why, no, Mr. Chairman; I would not advocate a Government school simply for the teaching of football to Indians; neither would I advocate the establishment or maintenance of great universities for the teaching of football to white boys. But I have never heard that it injured an Indian boy any more than a white boy to become athletic; and I will say to the gentleman from New York that these athletics do not cost the Government a cent. They are not paid for out of Government funds nor by private subscriptions. The Indian football team and the Indian baseball team are so proficient, so celebrated, and so popular throughout the country, and constitute such great attractions that wherever either team plays the admissions are large, and their share of the gate moneys a great deal more than pays the expense of the entire athletic system and training of the school.

Mr. PAYNE. Of course I asked the gentleman the question in pleasantry, and I supposed that when the gentleman spoke of their being taught football and baseball that he was also using pleasantry with reference to these boys.

Mr. OLMSTED. Oh, yes; I so understood my friend from New York. It is a good thing, and I took occasion to speak of it as showing how desirable as well as pleasant it is for these Indian boys and girls in the school to be trained in athletics, whereby they not only gain pleasant recreation, but are increased and preserved in health. I will add that the conduct of these young Indians at these great public gatherings for games is most exemplary, and may well excite the envy of many institutions for the education of white pupils.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him a question?

Mr. OLMSTED. Certainly.

Mr. STEPHENS of Texas. The gentleman is regarded, very justly, as an excellent lawyer, and I would like to have his legal opinion upon the question as to whether or not there is any legal obligation resting upon the Government to sustain schools for the Indians, or people who have Indian blood in their veins, under the parents of those children have become citizens of the United States?

Mr. OLMSTED. Well, Mr. Chairman, that question has no application in this discussion. It is not alleged that it applies to the pupils in the Carlisle School, and that legal question would have no more application to this school than to any other school, either reservation or nonreservation. Indeed, it seems to have no application at all to Carlisle.

I do not suppose there is any legal obligation upon the Government to do anything for these Indians. There is not, so far as I am aware, any legal or constitutional obligation resting upon Congress to appropriate for the maintenance of any of these schools. It is rather in the nature of a moral obligation. There are no other people toward whom this Government stands in quite the relation that it stands toward the Indians, who once possessed and owned and occupied this entire land. Moreover, it is now a question not more as to the welfare of the Indians than as to the greatest good to the country in dealing with them.

Mr. STEPHENS of Texas. If the gentleman will permit me to suggest, I am satisfied that four-fifths of the children in the Carlisle School are children of parents who are citizens of the United States, who have had their lands allotted to them, and who, hence, are citizens of the State or Territory where they reside, and should be in the State schools, and the State should provide for them, and not the General Government. What does the gentleman think about that?

Mr. OLMSTED. Mr. Chairman, that is a question which, it seems to me, is profitless to discuss at this point. I am unable to follow up the financial or other status of the parents of these children. I do not know what ones have had lands allotted to them. I have never heard the allegation made before that any of their parents were citizens of the United States. I am satisfied the gentleman from Texas is entirely mistaken as to Carlisle. But if it were true of that school I am sure it is true of all the other schools, and therefore there is no argument arising from that fact to justify the striking down of this school and the maintenance of the others.

Mr. STEPHENS of Texas. What I desired to direct the gentleman's attention to was the question whether he would be in favor of taking numbers of Indian children whose parents were citizens of the United States and of the States where they lived and putting them in the Carlisle School or any other school?

Mr. OLMSTED. When we take up the question of abolishing all these schools, that is a question which we may have to meet and discuss. But we shall first have to ascertain and determine whether any of the parents are citizens of any State.

Now, as to the coeducation of Indians and whites in the public schools. That has been tried to a certain extent near the reservations, with results thus set forth by the Commissioner of Indian Affairs. In his report for 1906 he says:

In many neighborhoods the whites object to the Indian pupils on the ground of their dirty habits, their diseases, and their morals.

He says the whites object to coeducation with the Indian pupils in the public schools because of their health, their habits, and their morals; that they are dirty, diseased, and immoral. That is the objection to their education in the public schools in the vicinity of the reservations. Now that is not true at Carlisle. The pupils there are kept clean and healthy, neat, tidy, and orderly. No complaint has ever come up from the citizens in the vicinity of the Carlisle School against these pupils on any one of the three grounds named. The Commissioner in the same report also shows that on and near the reservations there is race prejudice against the Indians, and mentions that it is "particularly obvious at Fort Totten, Hayward, Pala, San Jacinto, Seger, and Tulalip." There is no race prejudice against them in Pennsylvania.

Although in the early days of this country there were as many Indian depredations committed in and about Carlisle as in any other part of the country, it is now the fact that there is a most kindly and friendly and admiring sentiment among the industrious, intelligent, and thrifty farmers and all other people in that beautiful valley toward these wards of the nation.

Mr. BURKE of South Dakota. Has the gentleman any statistics as to the number of pupils in the Carlisle school who have been obliged to leave the school on account of tuberculosis?

Mr. OLMSTED. I have no statistics upon that point. Tuberculosis, as is well known, is a disease to which Indians are more or less subject, no matter where they may be—North or South, East or West.

Mr. STEPHENS of Texas. The gentleman mentioned Quanah Parker, who is chief of the Comanche tribe of Indians in Oklahoma. I will state to the gentleman that a son of Quanah Parker died in New Mexico, at Fort Stanton Reservation, about a year ago. His father brought him down where I lived, and I assisted in getting him transportation to that point. He was in

the last stages of consumption, and he had just the year before that graduated at Carlisle.

Mr. OLMSTED. That is very likely. I know of two graduates from Yale who died of tuberculosis within sixty days.

Mr. STEPHENS of Texas. The gentleman did not wait until I completed my statement. I know myself of numerous Indians in that reservation who had been sent to Hampton and Carlisle, in the North here, away from the plains country, where the climate is much more healthful than it is in the East for people of that kind, who have been accustomed to outdoor life, and many of them—I will not say a majority of them, but a great many of them—fall victims to tuberculosis. They are much more subject to it—take it more easily than white people do.

Mr. OLMSTED. I believe that to be true, but I deny that they are peculiarly subject to it or exposed to it at Carlisle, for that is not a part of the country in which that disease particularly abounds. It has a particularly healthy climate; fully as much so as the country in which the reservations are, for the most part, located.

Mr. STEPHENS of Texas. It may be all right for Pennsylvanians, but not for Indians.

Mr. BURKE of South Dakota. If the gentleman will pardon me, I would like to state that last year I took up with the agent of each of the Indian reservations in my State, and there were several, to know something about the number of pupils that had gone from these reservations to the Carlisle School and to know something about how they had turned out. I found in one reservation that the larger part of them had died as a result of tuberculosis a short time after returning from school. I found also that a good many that had left were absolutely worthless, but, on the whole, I think there was a greater number that were thrifty than there were that were worthless. In one or two reservations, with few exceptions, they were all maintaining a living and taking care of themselves, and some of them were employed about the agency. One agency where I was, the issue clerk was a Carlisle graduate, and he was as bright and probably as efficient a clerk as any white man could have been. I simply state this in justice to the Carlisle School. I could have given statistics if I had known that this debate was coming up. If I have them in the city, I will give them to the gentleman from Pennsylvania. I think, on the whole, it was in favor of the education that they received at Carlisle.

Mr. OLMSTED. Mr. Chairman, I am glad to have such testimony from so reliable a source.

Mr. KEIFER. If the gentleman from Pennsylvania will pardon me, I would like to ask a question of the gentleman from South Dakota.

Mr. OLMSTED. Certainly.

Mr. KEIFER. I would like to know whether the Indians on the reservation, which the gentleman referred to, are not dying off from year to year, young Indians as well as the old, of tuberculosis?

Mr. BURKE of South Dakota. Tuberculosis is prevalent to a great extent among the Sioux Indians on some reservations. I think on some reservations as high as 70 or 75 per cent are affected with tuberculosis. It is a subject that has attracted a good deal of attention of late, and the Commissioner of Indian Affairs, in the Indian appropriation bill that we passed last year, was authorized to examine into the subject and make a report to Congress, which he has not yet done. I understand that he expects before the adjournment of Congress to make a report with certain suggestions and recommendations. I do not know that the tubercular feature is a subject that enters into this question of the Carlisle school, except the fact that the confining of an Indian, who might be subject to tubercular trouble, would tend perhaps to develop the disease; but that would be true anywhere, although I think the climate where the Indians are generally located, especially in the Northwest, is more conducive to the health of the people who have tubercular affection than perhaps the State of Pennsylvania.

Mr. OLMSTED. It is unfortunately true, Mr. Chairman, that the Indians are, more than the white race, subject to the ravages of tuberculosis. I believe it is also true of the colored people in the South as well as in the North. But it is a mistake to suppose that the Indians at the Carlisle School are more subject to that disease than the Indians at any other school. I believe if the exact facts and real statistics could be elicited upon that point it would be found that there is less of that disease among the pupils at Carlisle than in any other school. The utmost care is taken in the admission of pupils not to receive any that are so afflicted, and their health is cared for scrupulously there. That is one advantage of the athletic training that they receive, the girls as well as the boys, and they are kept out of doors as much as possible. Many of them work out of doors all summer,

Mr. FITZGERALD. Will the gentleman pardon me for a question?

Mr. OLMSTED. Certainly.

Mr. FITZGERALD. Before the gentleman passes away from the athletic feature I would like to ask him if he is able to state whether any Indians are retained in the school merely for the purpose of continuing them as members of various athletic teams?

Mr. OLMSTED. I think I may safely say that they are not, except, perhaps, as instructors.

Mr. FITZGERALD. I mean retained as pupils some time after they would naturally finish at the school, because of their peculiar fitness for the different athletic games.

Mr. OLMSTED. I think not, Mr. Chairman. I think they would not be permitted to play with a college or university team if there was any charge of that kind sustainable against them.

Mr. FITZGERALD. Perhaps it is fair for me to say that the reason which prompts the question is this: Two years ago I spent some time at a place where the Carlisle Indian band was stationed for a week. I found a member of the band to be a Seneca Indian who had been eight years at Carlisle. I asked him when he expected to finish, and he did not know. Apparently that young Indian from the State of New York was at the school merely to—

Mr. OLMSTED. Blow his horn?

Mr. FITZGERALD. No; to add to the efficiency of the band. My belief is that the school has done good work in Indian education. I desire to know whether the gentleman has any information that would enable him to state whether this, perhaps, would be an exceptional case or whether the school has not been made too attractive in some respects, so as to keep Indians there for purposes not most beneficial to them, but merely to add to the renown of the school with the people of the country.

Mr. OLMSTED. Oh, Mr. Chairman, I hardly think that that can be true. If it were true to any extent, I should certainly have heard of it. I think the case mentioned by the gentleman is an isolated case. It is possible that that particular Seneca Indian was retained as a sort of instructor in the band. I do not know the particulars of that case.

Mr. FITZGERALD. No; he was not an instructor. He was an ordinary musician. I forget the particular instrument that he played, but not one that required any great proficiency or expertness.

Mr. DALE. Does the gentleman from New York know whether the school got an appropriation for that Indian? If it did not, then the gentleman's argument would have no force—if he was not counted in the number.

Mr. FITZGERALD. I had some discussion about that, but I am unable to state definitely whether he was an Indian for whom the nation paid or whether he was there paying his own way; on that I am unable to state.

Mr. BURKE of South Dakota. I wish the gentleman from Pennsylvania would state to the House, if he has not already done so, how much is annually appropriated for the Carlisle School by the Government and how many Indians they have there in annual attendance?

Mr. OLMSTED. The intent is to maintain as nearly as possible 1,000. Sometimes it is a little over that number, and sometimes a little under, but the average is about 1,000. The total enrollment in 1906 was 1,025. The appropriation in this bill for their maintenance, including transportation, is \$163,000. It is less per capita than at the other schools. On the point suggested by the gentleman from New York [Mr. FITZGERALD], of course it is a very attractive feature of this school that it has this magnificent band and maintains this magnificent regiment of cadets. It is attractive to the Indians themselves, and probably in part accounts for the many applications for admission, mostly from full-blooded Indians. I believe the proportion of full bloods is greater at this school than at any other. But these features are also attractive to all white people who are interested in the Indians. I noticed that the President of the United States eyed them with great pride and pleasure as they passed before him in review at the dedication of Pennsylvania's magnificent capitol building on the 4th of October last. They were on that occasion a most attractive feature of the parade in honor of the dedication of the handsomest State capitol in the United States.

There is another feature to which I wish to call the attention of the House. In the summer months these Indians are permitted to hire themselves out to farmers and others. They not only get healthful occupation on the farms and acquire in that way practical and valuable experience in farming, but they breathe in health with the pure air and drink it in with the pure water of that far-famed valley. They are taught also

habits of frugality. I am told that one of the hardest things to teach an Indian is to save money. The Indian is always generous with his money and property. There is no such thing as a stingy Indian. But here they are taught to improve in that direction. That they do improve and learn is manifest from the fact that during the past summer—1906—the Indians at that school earned over \$30,000 and have saved over \$12,000, which they now have in banks and savings institutions.

The pupils at Carlisle use neither liquor nor tobacco. Discipline in this, as in other details, is very strict. The institution is, of course, nonsectarian. The ministers of the churches at Carlisle of all denominations are quite willing to take turns preaching to them. Their moral as well as their physical health is carefully looked after.

It is not my desire to longer consume the time of the House. I merely wish to say that the people of this entire country have watched with interest, and I think with pride, the growth, the wonderful progress, and the increasing usefulness of this Carlisle Indian School. I trust that I may rely upon the support of this House, if need be, to prevent it from being singled out and stricken down at the height of its usefulness. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAMPBELL of Kansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 7034. An act to incorporate the International Sunday School Association of America.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. BURLESON. I yield thirty minutes to the gentleman from Pennsylvania [Mr. KLINE].

Mr. KLINE. Mr. Chairman, contemplated legislation for the government of the District of Columbia has frequently, in one form or another, caused heated discussions on the floor of this House. Many pieces of this character of legislation are looked upon with suspicion when presented here. The District of Columbia government is peculiar and exceptional to itself. There is no municipality or municipal district in the country that has adopted and maintained the form of government which now prevails in the District under the authority of Congress. In other municipalities throughout the country the lawmaking power is in councils or boards of aldermen elected by the people, and the executive powers are vested in the mayor of the city, also elected by the people.

All laws and legislation regulating the government of the city of Washington and the District of Columbia are enacted by Congress, and the government is administered by a board of three Commissioners appointed by the President of the United States.

Since the present form of government was established by Congressional action the city and District have made phenomenal progress and advancement. The boundaries of the city have been extended beyond the wildest anticipations, its public buildings and private edifices are of a character and magnitude of which any city must feel proud, and its beauty, its cosmopolitan characteristics, and attractiveness are constantly attracting the people from all parts of the United States—yea, of the whole world.

Another has said: Sixty years ago the city of Washington was the very modest capital of an inspiring Republic. To-day she is the fair capital of a great Republic; and sixty years from now the city of Washington will be the most ornate and the most beautiful capital of the greatest and most powerful nation of the world; it has a good start toward becoming the Paris of America.

The city is already metropolitan. Every citizen in this vast country claims it as his own, and, therefore, however distant we may be removed from her boundaries, however humble our station in life may be, and however much we may be devoted to the interest of our homes and constituencies, we all are attached and interested in the advancement, thrift, splendor, and greatness of this most beautiful capital of a nation to become the greatest and most powerful nation in the world.

Its wealth, importance, progress, and greatness may be exemplified by a few statistics. The total assessed valuation of Washington City on July 1, 1906, was fixed at \$189,728,863, and of Washington County on said date, outside of the city limits, was fixed at \$49,733,122; and the total assessed valuation of real estate in the District of Columbia for the fiscal year of 1906 is \$239,461,985. The total real estate taxes for the year 1906 are \$3,591,929.78.

The assessed value of personal property in the District of Co-

lumbia for taxation purposes in 1877 was \$15,429,873, and in 1906 it was estimated to be \$27,000,000. In 1871 the valuation of real estate in the District for taxation purposes was \$79,997,454, and in 1906 it was assessed, as before stated, at \$239,461,985.

Although it is the smallest political subdivision in the Union, the District of Columbia outranks twenty-five States and Territories in point of wealth. The wealth of the District in 1904 was \$1,040,383,173, compared with \$928,739,773 in 1900, an increase in four years of over \$111,000,000, or a little over 12 per cent.

The wealth of the District exceeds that of the following States and Territories: Maine, New Hampshire, Vermont, Rhode Island, Delaware, West Virginia, North Carolina, South Carolina, Florida, North Dakota, South Dakota, Alabama, Mississippi, Louisiana, Arkansas, Indian Territory, Oklahoma, Montana, Idaho, Wyoming, New Mexico, Arizona, Utah, Nevada, and Oregon.

It is nearly five times as great as the wealth of Nevada; three times the wealth of Wyoming, each of which has two Senators and one Representative; it is three times the wealth of Vermont or Idaho, twice that of New Hampshire or South Carolina, and two and one-half times as great as Florida or Utah. And the wealth of Georgia, Vermont, Tennessee, Colorado, Washington, and Louisiana are all in the same class.

In 1880 the population of the city of Washington was 177,624, and in 1890 it had increased to 230,382. In 1900 it had a population of 278,718, and to-day it is estimated to exceed 310,000 people. The aggregate of taxes, interest, and penalties collected for the year ending June 30, 1906, were \$6,124,593.74, and, strange to say, in the administration of this Government in the District of Columbia, rich and populous and with diversified interests, the citizens and the inhabitants of the District have no voice, power, or authority in legislative matters.

Has it ever occurred to you that it was of the highest importance that the people of the District of Columbia should have a Delegate or Delegates on the floor of this House to protect the interests of the District of Columbia and to advise and deliberate on District affairs with the Members of the House of Representatives, representing constituencies in the country at large?

With this in mind, that the people of the District of Columbia for a proper protection of their interests ought to have a Representative in Congress, I introduced during the early session of this Congress a bill (H. R. 20529) providing for the election of two Delegates in the District of Columbia, to represent the District in Congress, with power to debate, and vote on all questions and legislation affecting the District of Columbia, and that they be made members of the House District of Columbia Committee.

Mr. GOULDEN. Will the gentleman permit an interruption?

Mr. KLINE. Certainly.

Mr. GOULDEN. I should like to ask the gentleman why he recommends in his bill two Delegates from the District, when in fact it is the same as the Territories and much less in proportion than many of the districts of the country. My own district has over 400,000 people in it, and they have but one Representative in Congress.

Mr. KLINE. The reason is because the population or the approximate population of the District of Columbia is almost equivalent to two ratios. That is the reason why I selected two, but I will be satisfied with one if this bill can be passed.

Mr. GOULDEN. I wondered what your reasons were.

Mr. KLINE. It should have, at least, the same character of representation in the Federal Congress that is and has been for many years accorded to our Territories, and which the possessions of Porto Rico, Hawaii, and Alaska are now enjoying.

The Constitution of the United States confers upon Congress the exclusive legislative control in all cases whatsoever over the District of Columbia, but does not allow the inhabitants any vote for Presidential electors and other officers.

Mr. GOULDEN. Will the gentleman permit another interruption? Do I understand you would give that Delegate, or Delegates, a full measure of representation, with a vote and voice upon the floor, or simply that of a Delegate representing a Territory?

Mr. KLINE. The bill itself provides that such Delegates shall only have the right to vote and debate on questions in which the District of Columbia is interested, and have no right to debate or vote upon other questions of legislation.

Mr. KEIFER. You could not give this Delegate the right to participate as a Representative under the Constitution, could you?

Mr. KLINE. I think Congress could grant that power.

Mr. GOULDEN. I am afraid not. I think it would be a violation of the Constitution.

Mr. KLINE. I am not prepared at this time to answer this

constitutional question. Upon reflection it may be that the gentlemen are correct in their contention.

By an act of Congress approved February 21, 1871, all the territory included within the limits of the District was erected into a government by the name of the District of Columbia, which became constituted by said act a body corporate, with the usual powers for municipal purposes. Said act abolished the old and established a new form of government for the District, and provided for a Territorial form of government, with governor, legislature, and a Delegate to Congress.

Previous to the act of 1871 the legislative power had been exercised directly by Congress, in which, however, the people had no representation, but upon the establishment of a Territorial form of government by that act, the right of electing a Delegate to Congress with the same privileges as Delegates of other Territories was granted.

Early in June, 1874, Congress passed an act abolishing the form of government intended to be established by the act of 1871, and to replace the old order, temporarily providing a government by three Commissioners, and made provision for the preparation of a permanent form of government; and in June, 1878, an act was passed which lodged the affairs of the District in the hands of a board of three Commissioners—two civilians appointed by the President and confirmed by the Senate and an engineer officer detailed from the Army. All the numerous subordinates are appointed by the Commissioners. The affairs of the District are now managed and governed, and for twenty-seven years have been managed and governed, by the provisions and directions of the act of 1878.

Congress, under said act, pays half the taxes and the salaries of all officers appointed by the President, and all others are paid by the District of Columbia.

It is or may be generally admitted that for the District of Columbia (if self and popular government is to be denied them) the present form of government is as good and satisfactory as can be secured by human minds; but, on the contrary, I also believe that there are many good citizens who likewise believe and contend that for apparent reasons and for the benefit of the District it should have representation in the House of Representatives.

Representation as contemplated by said bill would certainly be conducive to a great amount of good, as well as aid to the District of Columbia Committee in the House, and Members of the House of Representatives, when District legislation is under consideration.

Mr. GOULDEN. Will the gentleman from Pennsylvania permit another interruption?

Mr. KLINE. Certainly.

Mr. GOULDEN. What has your observation taught you as to the conduct of the government of the District of Columbia since this reorganization as compared with that when they had direct representation and had the right to vote and the right to govern themselves?

Mr. KLINE. I find that the progress of the District has been phenomenal, and it has and had a good government, but I believe that the people of the District of Columbia, like the States and the Territories, should have representation.

Mr. GOULDEN. I agree with you in the main on that proposition.

Mr. OLCOTT. I would like to ask the gentleman whether he found in the investigation of this subject any particular desire on the part of the citizens of the city of Washington themselves to have this representation that the gentleman's bill calls for?

Mr. KLINE. I have. I am in receipt of numerous letters, memorials, and communications, and I am told the citizens have held meetings in the city of Washington indorsing this measure and the provisions of this bill. My judgment is that the subject should be referred to a vote of the people of the District of Columbia for adjustment, whether or not they desire representation in Congress and self-government.

Before preparing this bill I did not consult with anyone interested in the administration of the affairs of the District of Columbia; I did not obtain the advice or encouragement of any Member of Congress, nor did I then have in mind many of the potent and cogent reasons why such legislation should be enacted which have since been brought to my mind and attention. It was simply my own conviction, actuated by personal experience acquired during my brief membership as a member of the District Committee.

I may have no adherents in this thought and may be unable to convince anyone of the soundness and propriety of such legislation and proposed invasion of existing conditions and methods of procedure. I know, however, that there are some Members on the floor of the House who have advocated and would sup-

port proper measures that would give the District a system of self-government, and I also have become cognizant that many good, reputable, and influential citizens in the District are seriously and earnestly in favor of legislation such as I have proposed, or on lines of a similar import. I have, therefore, without any pretense of eloquence, rhetoric, or felicity of diction, but in a plain and simple manner, attempted to give my individual reasons for the introduction of said bill and why it should be enacted into law.

It seems to me that such a proposition is clearly just and proper and reasonable and that argument should not be necessary to convince the legislator of the propriety of such legislation. We all recognize that those vested with power and authority are jealous of their rights and jurisdiction and frequently resent and discourage a disturbance of the same, and therefore it may be that those in authority may not even permit a fair and unbiased consideration of the subject. The District Commissioners, who are vitally and materially interested in such legislation, have reported against the bill. I am not actuated by any selfish motives. It is not a sectional question with those who may be called upon to solve and determine the same; it is only a subject which intends to be fair and just to a people who assist in bearing the burdens of the Government, who now and hitherto have had no voice or representation in the conduct and management of their own municipal and local affairs.

Mr. GOULDEN. Will the gentleman permit another question? The gentleman from Pennsylvania says that the Commissioners have reported adversely to the bill.

Mr. KLINE. They have.

Mr. GOULDEN. May I be allowed to ask if there have been hearings upon the matter and a full discussion had before the committee?

Mr. KLINE. The subject has not been formally presented to the committee. The committee had other business, which engaged its attention in the past, and it has had no time to investigate and consider this bill, except the matter was referred to the District Commissioners, and they reported against it.

Mr. GOULDEN. Without a hearing?

Mr. KLINE. Yes.

Mr. GOULDEN. Do you consider it fair that the Commissioners should have decided so important a matter to the people of the District without giving them an opportunity to be heard on the subject?

Mr. KLINE. No; I do not.

Our national independence was achieved on the issue of "no taxation without representation;" and if it be true that this Government is a "government of the people, by the people, and for the people," it is difficult to understand why the 350,000 citizens now living in the District, or that may hereafter establish their residence here, and its increased population, should be deprived of all voice and representation in their Government. If they were not taxed and in other respects not required to support and defend the Government, then I could see some reason why they should not be represented; but such is not the case. As citizens, the people of the District of Columbia are subjected to the same burdens as other citizens, and they have performed their whole duty as fully, freely, and patriotically as those of any other part of the country.

The people of the District have from the foundation of the Government contributed their full proportion for its support, both in peace and war. In the war with Spain the District furnished twice as many volunteers, in proportion to population, as any State in the Union. It contributes by taxation one-half of the cost of its local government. It contributes to the payment of internal-revenue tax an enormous item in aid of the payment of the expenses of our Government, and I am told that in 1891 the District paid over four times per capita as much as fifteen States and five Territories, including Alaska, and paid in nearly that proportion ever since. With all these burdens and contributions it is denied representation. It is the only place in these United States where citizens have no voice in the selection of the men designated to rule them or in the disposition of the taxes they are compelled to pay.

By making a search into our early history it is made apparent that it was never contemplated by the founders of our Government that the citizens of the District should become or be made political nonentities. It was never their intention that the inhabitants of the District of Columbia should be deprived of all voice in their own government.

Before the adoption of the Constitution Madison made the statement in the *Federalist* that "a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them." It was apparently the idea and expectation of the legislators in early years that the people of the District should have representation, as is shown by the follow-

ing from the debates in Congress in 1803. Mr. Hughes, of South Carolina, speaking of the District, said: "He looked forward to the period when the inhabitants, from their number and riches, would be entitled to a representative on this floor. And with respect to their local concerns, when they grow more numerous and wealthy there would be no difficulty in giving them a Territorial legislature." And Mr. Randolph, speaking on this subject, said: "Domestic slavery is of all others the most oppressive, and political slavery, which has been well defined to be that state in which any community is divested of the power of self-government and regulated by law to which its assent is not required and may not be given. This species of government is an experiment how far freemen can be reconciled to live without rights, an experiment dangerous to the liberties of these States."

In the Forty-first Congress, page 645, Hon. Samuel J. Randall, from Pennsylvania, an honored member of this body for more than a score of years and one of its illustrious Speakers, said: "I am inclined to believe, judging from the rules of common sense, that this is correct, especially in view of the citation from Judge Story, which clearly establishes the right of Congress to delegate the legislative power in reference to this District. * * * Nothing can be feared, in my judgment, from delegating this power to the people."

I think I am correct in saying that every national capital of Europe has its own local government, and London has half as many members in Parliament as it has in its council.

Abraham Lincoln said: "Allow all the governed an equal voice in the government; that, and that only, is self-government;" and Representative Cox, of Ohio, once said: "The citizens of Washington have an inalienable right to the freest, the most popular form of municipal government. * * * For us to give them less will be to be false to the most fundamental principles of American liberty."

If the proposed bill should be passed the exclusive jurisdiction of Congress over the District would remain exactly the same as it is now. The only effect would be to give the citizens of the District of Columbia a voice in the District government, the same as other citizens, through their respective Representatives. Ought not the people in the District have the same privilege? If not, why not?

Years ago, when the population was small and its interests were limited and not much diversified, the importance and necessity for representation was not so apparent. But to-day, with its wealth, interests, and population exceeding and surpassing many of the States of the Union, I see many obvious reasons why her people should have representation in Congress. The population of the District is within a small fraction sufficient to entitle them to two Representatives in the House. It is greater than a dozen of our States, and the amount of taxes paid is larger than is raised by some of the States for State purposes, and yet those States have two Senators and a Representative, and several two Representatives.

Whilst every member of the House District of Columbia Committee is and has been performing the duty assigned to him with fidelity and ability, with the information at hand of the importance and necessity of the character of legislation presented, yet no one will pretend that any member of the committee is as efficient and as well equipped to engage in this work as if he were a resident of the District. We are all acquainted or expect to be acquainted with the legislation needed by our immediate constituencies; we have a personal interest in such legislation, and we make every reasonable effort to secure that in which our several constituencies are interested. If we did not there would soon be a rebellion at home, and the home papers would be filled with columns of censure, reprimand, and criticism, with an invitation to retire from public life and make room for a more worthy successor.

Living hundreds and thousands of miles away from the District and seat to which legislation enacted is to apply, it is not human or reasonable to think that as much attention, study, and consideration would be given to such legislation as to that which affects our several constituencies or the entire country.

The District Committee is composed of eighteen members, none of whom resides more contiguously to the District than the Philadelphia member, who lives distant 140 miles, and all the other members live in remote communities in all parts of the country, east of the Missouri River. It can not be said that any of said members are as intimately acquainted with the topography, highways, business interests, trade, inhabitants, and the needs of the District as those who live in the District, and fitted to be or become a Delegate in the House of Representatives from the District of Columbia. We are all interested in making Washington the most beautiful, most attractive, and best-governed capital city in the world.

We all must acknowledge that subjects have been under consideration in committee and this House when there was an absence of proper information, and no one present to furnish the requisite facts in order to legislate intelligently.

True, the privilege is granted to receive information from the District Commissioners, or call witnesses or parties interested, but by such facilities the knowledge is not obtained that could be acquired by and from Delegates representing the District of Columbia, who would, by the bill introduced, secure membership in the District of Columbia Committee and the right of debate on the floor of this House, and thereby enlighten its membership on subjects wherewith they may have no familiarity.

This bill provides simple election machinery for the election of Delegates.

My judgment is that this bill, or one of similar import, should pass, and if enacted into law it would be beneficial to the progressive and healthy interests of the District and its inhabitants, as well as a great aid to secure prompt, intelligent, and needed legislation for the government of the District of Columbia. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD. [Applause.]

The CHAIRMAN pro tempore (Mr. MOORE of Pennsylvania). The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BURLESON. I yield time to the gentleman from New York [Mr. GOULDEN].

Mr. HUNT. Have I permission to interrogate the gentleman for a moment?

Mr. GOULDEN. I yield to the gentleman from Missouri the time he desires.

Mr. HUNT. I would like to know if in the course of your remarks you referred to the fact there was at one time a form of self-government conferred upon the District?

Mr. KLINE. I did.

Mr. HUNT. To what circumstances do you attribute its discontinuance or the present mode of government in the District?

Mr. KLINE. I referred to it in my remarks. When the form of government was changed—

Mr. HUNT. And the reason for it?

Mr. KLINE. I do not think I assigned any reasons for it, but as a fact the government was changed in 1871 and thus continued until 1874, and in 1878 a bill was passed by which the government of the District was vested in the hands of three Commissioners appointed by the President. [Applause.]

Mr. BURLESON. Mr. Chairman, I yield to the gentleman from New York [Mr. GOULDEN].

Mr. GOULDEN. Mr. Chairman, I desire to say a word in reference to a matter of considerable importance to my district, the Eighteenth New York, but before doing so I wish to state that I am in sympathy with the gentleman from Pennsylvania [Mr. KLINE] regarding local self-government of the District of Columbia. I heartily indorse what he has so ably and so eloquently said upon that subject, and I hope that the District Committee may find time at an early date to take up this important question and give to the people of the District of Columbia that to which, in my judgment, they are entitled, namely, self-government. [Applause.]

The bill under discussion appropriating so large a sum for the District of Columbia is of importance to the nation. The difficulty seems to be to make the revenues of the Government equal the demands made on Congress by the people. It requires the greatest care on the part of the various committees of this House and of the Senate to accomplish this desirable and necessary result, to save the credit of the country.

In the last session a bill was brought in from the Committee on Public Buildings and Grounds appropriating some sixteen millions for the use of post-offices, courts, and other necessary Government buildings throughout the country.

The Borough of the Bronx, with its population of 350,000, all in my district, needs a public building, especially for the proper handling of its mails. While the borough is a part of the old city of New York, it lies from 10 to 15 miles from the general post-office of that city. Its growth has been phenomenal. In 1890 the population was 85,000; in 1900 the population (United States census) was 200,507; in 1905 the population (State census) was 272,000; in 1907 the population (police census) was 350,000; estimated in 1910 the population will be 500,000.

Mr. HUNT. Mr. Chairman, will the gentleman from New York permit an interruption?

Mr. GOULDEN. Certainly.

Mr. HUNT. To what influences is this great increase due,

and what was the population of the whole district in 1900, at the time of the apportionment?

Mr. GOULDEN. Answering the last part of the gentleman's query first, I would say that the population in 1900, in round figures, was 240,000. The rapid increase since then is due to the improved transit facilities, the opening, regulating, grading, and paving of many miles of streets, the building of sewers, beautifying the 4,000 acres of magnificent public parks, the healthfulness and beauty of this section; to the fact, largely, that we have had a splendid local government, presided over by that able and distinguished citizen, the Hon. Louis F. Haffen, the borough president; and last, but not least, that the people are a public-spirited body of citizens, second to none in the country. [Applause.]

I desire to say that this does not include all of the Eighteenth district. We have a population of 50,000 south of the Harlem River on the island of Manhattan and in the borough of the same name, which belongs to and is a part of my district.

Mr. SHEPPARD. Have you a branch office there now?

Mr. GOULDEN. We have no branch office—simply substations. Mr. Chairman, I shall later ask unanimous consent to include a letter from the postmaster of New York City, with the full statistics accompanying it, regarding this particular section of the great and growing city of New York.

Now, Mr. Chairman—

Mr. SHEPPARD. May I ask the gentleman just one more question?

Mr. GOULDEN. Certainly.

Mr. SHEPPARD. I want to say, as a member of the Public Buildings and Grounds Committee, that the gentleman from New York has been most tireless in presenting the claims of the Bronx post-office building to the committee, as well as to its individual members.

Mr. GOULDEN. I thank the gentleman from Texas, who, as a member of the Committee on Public Buildings and Grounds, knows whereof he speaks, and I hope I will always have his active support in that committee in this needed appropriation for the Borough of the Bronx.

Mr. SHEPPARD. The gentleman certainly did have my support, and he shall continue to have it in the future.

Mr. GOULDEN. I heartily thank the gentleman from Texas in behalf of my district.

It is now the eleventh city in the Union. Its assessed valuation of real estate for taxable purposes is over \$400,000,000. The new buildings erected in 1906 approximated \$30,000,000.

This great and growing borough, one of the five great subdivisions of the city of New York, demands a public building, especially for its growing postal needs.

A commission consisting of the Postmaster-General, the chairman of the Committee on Public Buildings and Grounds of the Senate, Senator SCOTT, and of the House of Representatives Congressman BARTHOLOMEW, were named at the close of the last session of Congress as a commission to investigate the postal facilities of Manhattan and the Bronx, with the view of recommending the necessary action to give the required relief.

This committee are expected to visit the boroughs named and investigate the whole subject and report to the Sixtieth Congress in December next.

I desire permission to include in my remarks on this subject a letter and statistics from Postmaster William R. Willcox, of New York City, one of the ablest and most efficient officials in the Government service, given at my request last month.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letter and data referred to are as follows:

OFFICE OF THE POSTMASTER,
New York, N. Y., December 29, 1906.

HON. J. A. GOULDEN,
180 Broadway, New York.

MY DEAR CONGRESSMAN: I am in receipt of your letter of December 27, in which you express to me the conclusion that the Bronx Borough has outgrown its postal facilities, and that you are desirous of ascertaining what recommendations have been made and what our views are concerning the service in that particular part of the city.

The matter of postal facilities for the Bronx has been carefully studied by me since I have been in office, and I have from time to time made various recommendations concerning increased accommodations for that part of the city, many of which are still before the Department, not having been acted upon. It is true that the Department during the past year has, at my solicitation, provided two additional postal stations in this section and furnished an additional force of carriers for duty there, all of which has helped matters considerably; but nevertheless there is still much room for further improvement, and I have no hesitation in saying that the demands for better service are within reason and entirely just, considering the enormous interests involved. A very large portion of the Bronx has reached a point when it must be considered as equally important in every way as that part of the city locally known

as Manhattan Island, and the problem must be reckoned with accordingly. A review of certain thoroughly reliable statistics will prove the correctness of the above assertion and show you that this office fully appreciates the marvelous growth of the Bronx in population, in buildings, and in assessed valuation:

Total area	acres	27,000
Population:		
1890		88,085
1900		200,507
1904		295,646
1905		335,000
1906		360,000
Assessed valuation:		
1890		\$44,396,534
1900		146,508,491
1904		275,783,430
1905		291,533,218
1906		405,497,493

In 1902 there were 800 buildings erected, at a cost of \$6,503,979; in 1904, 944 buildings, at a cost of \$16,172,200, and in 1905, 2,214 buildings, at a cost of \$37,500,445. The new buildings erected in 1906 will represent a value of at least \$40,000,000, chiefly for homes for that great class of the population who find the cost of living in Manhattan Borough too burdensome to carry. Thousands of this class are flocking into the city from all over the country, and the closest possible estimate shows an annual increase in population of 35,000 in the Bronx. It may be interesting to note that the total assessed valuation in that borough within the past ten years is greater than the combined valuation of the populous counties of Broome, Chenango, and Dutchess, in this State. The average cost of a building in the Bronx is \$15,000, as compared with \$6,500 in Brooklyn and \$4,000 in Queens. The Bronx has a population of between 350,000 and 400,000, and as a separate municipality it would rank about the eighth largest city in the United States.

My object in referring to the foregoing is not for the purpose of giving you information regarding the growth of your own borough, but more to assure you that this particular district, which is served from this office, has been made the subject of careful study. A further reason is that I wish you to thoroughly appreciate the difficulties experienced here in endeavoring to satisfy the constant and unquestionably reasonable demands for better postal service which are being made upon us. It needs no extensive argument to show that unless the postal service shall keep pace with the tremendous forward movement, it will require a vast expenditure at no distant date to place the service on an equal footing with other residential sections of the city.

I am sending you annexed to this letter a statement of the exact service now performed at the various stations throughout the city, and also a statement showing to what extent I believe the service should be immediately improved. The calculations have been carefully made, the various items verified as closely as possible, and if we could obtain from Washington the requisite assistance to put the schedules herein referred to into operation I believe that the people of the Bronx would have no reason for complaint.

Very truly, yours,

W. R. WILLCOX, Postmaster.

STATION X.

Twenty-six carriers, fourteen clerks, one superintendent, two assistant superintendents, and one janitor are assigned to the station.

Five deliveries daily are made on all parts of the district. Twelve collections daily are made west of St. Anns avenue and five collections daily are made east of St. Anns avenue, including Port Morris section.

DELIVERIES ON ALL PARTS OF THE DISTRICT.

Carriers report, first trip, 6 a. m.; second trip, 10 a. m.; third trip, 12.40 p. m.; fourth trip, 3 p. m.; fifth trip, 5.40 p. m.
Carriers leave, first trip, 7 a. m.; second trip, 10.15 a. m.; third trip, 1 p. m.; fourth trip, 3.20 p. m.; fifth trip, 6 p. m.
Carriers return, first trip, 8.55 a. m.; second trip, 12.15 p. m.; third trip, 3 p. m.; fourth trip, 5.20 p. m.; fifth trip, 8 p. m.
Carriers end, first trip, 9.05 a. m.; second trip, 12.25 p. m.; third trip, 3.10 p. m.; fourth trip, 5.25 p. m.; fifth trip, 8.10 p. m.

COLLECTIONS—CENTRAL SECTION.

Begin at 5 a. m., due at X 6 a. m.
Begin at 8.05 a. m., due at X 9.05 a. m.
Begin at 9.30 a. m., due at X 10.30 a. m.
Begin at 10.45 a. m., due at X 11.45 a. m.
Begin at 12 m., due at X 1 p. m.
Begin at 1.15 p. m., due at X 2.15 p. m.
Begin at 2.30 p. m., due at X 3.30 p. m.
Begin at 3.45 p. m., due at X 4.45 p. m.
Begin at 5.55 p. m., due at X 6.55 p. m.
Begin at 7.20 p. m., due at X 8.20 p. m.
Begin at 8.40 p. m., due at X 9.40 p. m.
Begin at 10.30 p. m., due at X 11.30 p. m.
Sundays leave at 10.45 a. m., 3, 6.30, and 8.40 p. m.

COLLECTIONS.

East of St. Anns avenue, including the Port Morris section, carriers deliver and collect mail at the same time. There is no early-morning or late-evening collection. The first collection begins when carriers leave the station on the first delivery trip at 7 a. m., and are due to return at 8.55 a. m. The last collection begins at 6 p. m., when carriers leave the station on the last delivery trip, and are due to return to the station at 8 p. m.

Begin at 7 a. m., due at X 8.55 a. m.
Begin at 10.15 a. m., due at X 12.15 p. m.
Begin at 1 p. m., due at X 3 p. m.
Begin at 3.20 p. m., due at X 5.20 p. m.
Begin at 6 p. m., due at X 8 p. m.
Sundays leave at 3 p. m.

Two additional carriers wanted for collection service. All the territory east of St. Anns avenue to Long Island Sound has but five collections daily. Carriers deliver and collect at the same time. Letters deposited in boxes after last delivery trip begins at 6 p. m., due at Station X at 8.10 p. m., remain in boxes until the following morning, when they reach the station at 8.55 a. m. on completion of first delivery. During the past year 107 flat and apartment houses have been erected and occupied by 2,247 families. Also 6 factories have been erected during the same period, and by January 1 next there will be completed and ready for occupancy 13 apartment houses accommodating 273 families. It can be readily seen from above that the full twelve collections should be extended to all parts of the district.

Additional street letter boxes should be placed at the following important points:

One hundred and thirty-eighth street, between St. Anns and Cypress avenues (St. Luke's Church).
One hundred and thirty-eighth street and Cypress avenue.
One hundred and forty-first street and Beekman avenue.
One hundred and forty-first street and Walnut avenue.
One hundred and forty-first street and Locust avenue.
One hundred and thirty-sixth street and Locust avenue.
One hundred and thirty-fourth street and Locust avenue.
One hundred and thirty-fifth street and Willow avenue.
One hundred and thirty-third street and Willow avenue.
One hundred and thirty-fourth street and South boulevard.
One hundred and thirty-sixth street and South boulevard.
One hundred and thirty-eighth street and South boulevard, making a total of twenty street letter boxes in use between St. Anns avenue and Long Island Sound.

STATION R.

Twenty-five carriers, fourteen clerks, one superintendent, two assistant superintendents, and one janitor are assigned to the station.

Five deliveries daily on all parts of the district.
Twelve collections daily on all parts of the district.

DELIVERIES.

Carriers report, first trip, 6 a. m.; second trip, 9.45 a. m.; third trip, 12.40 p. m.; fourth trip, 3 p. m.; fifth trip, 5.45 p. m.
Carriers leave, first trip, 7 a. m.; second trip, 10 a. m.; third trip, 1 p. m.; fourth trip, 3.20 p. m.; fifth trip, 6 p. m.
Carriers return, first trip, 9 a. m.; second trip, 11.45 a. m.; third trip, 3 p. m.; fourth trip, 5.20 p. m.; fifth trip, 7.45 p. m.
Carriers end, first trip, 9.15 a. m.; second trip, 12 m.; third trip, 3.10 p. m.; fourth trip, 5.30 p. m.; fifth trip, 8 p. m.

COLLECTIONS.

Begin at 5 a. m., due at R 6 a. m.
Begin at 8.05 a. m., due at R 9.05 a. m.
Begin at 9.30 a. m., due at R 10.30 a. m.
Begin at 10.45 a. m., due at R 11.45 a. m.
Begin at 12 m., due at R 1 p. m.
Begin at 1.15 p. m., due at R 2.15 p. m.
Begin at 2.30 p. m., due at R 3.30 p. m.
Begin at 3.45 p. m., due at R 4.45 p. m.
Begin at 5.55 p. m., due at R 6.55 p. m.
Begin at 7.20 p. m., due at R 8.20 p. m.
Begin at 8.40 p. m., due at R 9.40 p. m.
Begin at 10.30 p. m., due at R 11.30 p. m.
Sundays, leave 10.45 a. m., 3, 6.30, and 8.40 p. m.
The service should not be increased.

STATION T.

Thirty-four carriers, fifteen clerks, one superintendent, and one janitor are assigned to the station.

Five deliveries daily are made on central section.
Four deliveries daily are made on west section.
Twelve collections daily are made on central section.
Four collections daily are made on west section.

BOUNDARY OF THE WEST SECTION.

All that territory from One hundred and fifty-third street to One hundred and seventy-first street, between Grant avenue and Jerome avenue, inclusive, served by two carriers.

DELIVERIES ON THE CENTRAL SECTION.

Carriers report, first trip, 6.15 a. m.; second trip, 10.40 a. m.; third trip, 12.50 p. m.; fourth trip, 3.40 p. m.; fifth trip, 5.50 p. m.
Carriers leave, first trip, 7 a. m.; second trip, 11 a. m.; third trip, 1.10 p. m.; fourth trip, 4 p. m.; fifth trip, 6.10 p. m.
Carriers return, first trip, 9.10 a. m.; second trip, 12.50 p. m.; third trip, 3.35 p. m.; fourth trip, 5.50 p. m.; fifth trip, 8.30 p. m.
Carriers end, first trip, 9.15 a. m.; second trip, 12.50 p. m.; third trip, 3.40 p. m.; fourth trip, 5.50 p. m.; fifth trip, 8.40 p. m.

DELIVERIES ON THE WEST SECTION.

Carriers report, first trip, 6.15 a. m.; second trip, 10.40 a. m.; third trip, 12.50 p. m.; fourth trip, 5.50 p. m.
Carriers leave, first trip, 7 a. m.; second trip, 11 a. m.; third trip, 1.10 p. m.; fourth trip, 6.10 p. m.
Carriers return, first trip, 9.10 a. m.; second trip, 12.50 p. m.; third trip, 3.35 p. m.; fourth trip, 8.30 p. m.
Carriers end, 9.15 a. m.; second trip, 12.50 p. m.; third trip, 3.40 p. m.; fourth trip, 8.40 p. m.

CENTRAL SECTION—COLLECTIONS.

Begin at 4.55 a. m., due at T 6.05 a. m.
Begin at 6.45 a. m., due at T 7.55 a. m.
Begin at 8 a. m., due at T 9.10 a. m.
Begin at 9.20 a. m., due at T 10.30 a. m.
Begin at 11.40 a. m., due at T 12.50 p. m.
Begin at 1 p. m., due at T 2.10 p. m.
Begin at 2.15 p. m., due at T 3.25 p. m.
Begin at 3.30 p. m., due at T 4.40 p. m.
Begin at 4.45 p. m., due at T 5.55 p. m.
Begin at 6 p. m., due at T 7.15 p. m.
Begin at 8.30 p. m., due at T 9.45 p. m.
Begin at 9.55 p. m., due at T 11.05 p. m.
Sundays, leave 10.45 a. m., 2.30, 6.30, and 8.30 p. m.

WEST SECTION—COLLECTIONS.

Carriers deliver and collect mail at the same time; there is no early morning or late evening collection. The first collection begins when carriers leave the station on the first delivery trip at 7 a. m. The last collection begins when carriers leave the station on the last delivery trip at 6.10 p. m.

Begin at 7 a. m., due at T 9.10 a. m.
Begin at 11 a. m., due at T 12.50 p. m.
Begin at 1.10 p. m., due at T 3.35 p. m.
Begin at 6.10 p. m., due at T 8.30 p. m.
Sundays, leave 4 p. m.

One additional carrier is needed for collection service. At the present time all that territory between One hundred and fifty-third and One hundred and seventy-first streets, from Grant to Jerome avenues, has but four collections daily. Letters deposited in boxes after carrier begins his last delivery at 6.10 p. m., due to return to station at 8.30 p. m., do not reach the station until the carrier returns from his first delivery trip on the following morning at 9.10 o'clock. With one additional carrier the number of collections could be in-

creased from four to six daily, beginning at 5 a. m., and the last at 8 p. m. Ten additional boxes could then be added to the above territory.

FOX STREET STATION.

Eleven carriers, six clerks, one superintendent, one assistant superintendent, and one janitor are assigned to the station.

Five deliveries on the central section.

Six collections on the central section.

Three deliveries on the Hunts Point section.

Three collections on the Hunts Point section.

DELIVERIES ON THE CENTRAL SECTION.

Carriers report, first trip, 6.15 a. m.; second trip, 10.40 a. m.; third trip, 12.50 p. m.; fourth trip, 3.40 p. m.; fifth trip, 5.50 p. m.

Carriers leave, first trip, 7 a. m.; second trip, 11 a. m.; third trip, 1.10 p. m.; fourth trip, 4 p. m.; fifth trip, 6.10 p. m.

Carriers return, first trip, 9 a. m.; second trip, 12.50 p. m.; third trip, 3.25 p. m.; fourth trip, 5.50 p. m.; fifth trip, 8.25 p. m.

Carriers end, first trip, 9.15 a. m.; second trip, 12.50 p. m.; third trip, 3.40 p. m.; fourth trip, 5.50 p. m.; fifth trip, 8.40 p. m.

COLLECTIONS ON CENTRAL SECTION.

Begin at 5.35 a. m., due at station 6.15 a. m.

Begin at 7 a. m., due at station 9 a. m.

Begin at 11 a. m., due at station 12.50 p. m.

Begin at 1.10 p. m., due at station 3.25 p. m.

Begin at 4 p. m., due at station 5.50 p. m.

Begin at 6.10 p. m., due at station 8.25 p. m.

Sundays, leave 3.30 and 8.30 p. m.

DELIVERIES ON HUNTS POINT SECTION.

Boundary, One hundred and forty-ninth street and Long Island Sound to Southern boulevard, to Longwood avenue, to Kelly street, to Westchester avenue, to Jennings street, to Bronx River, to Long Island Sound.

MOUNTED ROUTE—ONE (1) CARRIER.

Carrier reports, first trip, 6.30 a. m.; second trip, 11.20 a. m.; third trip, 4.10 p. m.

Carrier leaves, first trip, 7 a. m.; second trip, 11.30 a. m.; third trip, 4.20 p. m.

Carrier returns, first trip, 10 a. m.; second trip, 12.50 p. m.; third trip, 6.20 p. m.

Carrier ends, first trip, 10.20 a. m.; second trip, 1 p. m.; third trip, 6.40 p. m.

Collections are made from the two street letter boxes located on the Hunts Point section.

Begin at 7 a. m., due at station 10 a. m.

Begin at 11.30 a. m., due at station 12.50 p. m.

Begin at 4.20 p. m., due at station 6.20 p. m.

Sundays, leave 3.30 p. m.

Three additional carriers for delivery and collection service.

Two of this number are wanted to improve the collection service on the regular Fox street district, where the last collection begins at 6.10 p. m., and letters mailed after that trip begins (6.10), due at Fox street station at 8.25 p. m., remain in boxes until the following morning, when they reach the station at 6.15 on the early collection made on the district. It will be noticed from the collection schedule that under present conditions letters deposited in certain boxes shortly after 7 a. m. do not reach the station until 12.50 p. m., and letters deposited in certain boxes shortly after 6.10 p. m. do not reach the station until 6.15 the following morning.

The collections should be increased to eight daily, except on the Hunts Point section.

The advisability of transferring that portion of Tremont district, locally known as "West Farms," to the Fox street station is apparent. That section is now served by two carriers from the Tremont station, who should be transferred to Fox street station. It includes all that territory on the north side of Wilkins avenue to Crotona Park east to Southern boulevard, to One hundred and seventy-sixth street, to Daly avenue, to east One hundred and eighty-second street, to the Bronx River, to Long Island Sound.

The West Farms section receives three deliveries daily, beginning at 7.15 a. m., 11 a. m., and 3.30 p. m. An additional fourth delivery trip should be made, beginning about 5.15 p. m., and the other deliveries should be changed to begin at 7.15 and 10.30 a. m. and 2 p. m.

There are eleven street letter boxes located in the same section, six of which receive eight collections daily and five receive four collections daily.

The last collection made from these five boxes begin at 3.30 p. m., when carrier starts out on his last delivery, and is due to return at 6.10 p. m. Collections from these boxes should be increased to eight daily and the last collection made to begin about 8.30 p. m. Additional boxes should be placed at convenient parts of the district, and in order to put this improved service in operation one additional carrier will be required.

TREMONT STATION.

Thirty-four carriers, twelve clerks, one superintendent, one assistant superintendent, and one janitor are assigned to the station.

Four deliveries are made on the Tremont district, except the West Farms section, which has three deliveries. Said section is bounded as follows: From One hundred and seventy-first street and Bronx River, through One hundred and seventy-first street to Crotona Park east, to Daly avenue, to One hundred and eighty-second street, through One hundred and Eighty-second street to Bronx River.

Eight collections are made on the Tremont district, except from five boxes located in the southern portion of the West Farms section, Southern boulevard, Boston road, West Farms road, and One hundred and seventy-eighth street.

DELIVERIES—CENTRAL SECTION.

Carriers report, first trip, 6.15 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.

Carriers leave, first trip, 7.15 a. m.; second trip, 11 a. m.; third trip, 3.30 p. m.; fourth trip, 5.15 p. m.

Carriers return, first trip, 9.15 a. m.; second trip, 1 p. m.; third trip, 5 p. m.; fourth trip, 7.30 p. m.

Carriers end, first trip, 9.30 a. m.; second trip, 1.15 p. m.; third trip, 5.15 p. m.; fourth trip, 7.45 p. m.

DELIVERIES—BELMONT SECTION.

Carriers report, first trip, 6.15 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.

Carriers leave, first trip, 7.15 a. m.; second trip, 11 a. m.; third trip, 3.30 p. m.; fourth trip, 5.15 p. m.

Carriers return, first trip, 9.15 a. m.; second trip, 1 p. m.; third trip, 5 p. m.; fourth trip, 7.30 p. m.

Carriers end, first trip, 9.30 a. m.; second trip, 1.15 p. m.; third trip, 5.15 p. m.; fourth trip, 7.45 p. m.

Carriers report, first trip, 6.15 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.

Carriers leave, first trip, 7.15 a. m.; second trip, 11 a. m.; third trip, 3.30 p. m.; fourth trip, 5.15 p. m.

Carriers return, first trip, 9.15 a. m.; second trip, 1 p. m.; third trip, 5 p. m.; fourth trip, 7.30 p. m.

Carriers end, first trip, 9.30 a. m.; second trip, 1.15 p. m.; third trip, 5.15 p. m.; fourth trip, 7.45 p. m.

Carriers report, first trip, 6.15 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.

Carriers leave, first trip, 7.15 a. m.; second trip, 11 a. m.; third trip, 3.30 p. m.; fourth trip, 5.15 p. m.

Carriers return, first trip, 9.15 a. m.; second trip, 1 p. m.; third trip, 5 p. m.; fourth trip, 7.30 p. m.

Carriers end, first trip, 9.30 a. m.; second trip, 1.15 p. m.; third trip, 5.15 p. m.; fourth trip, 7.45 p. m.

Carriers report, first trip, 6.15 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.

Carriers leave, first trip, 7.15 a. m.; second trip, 11 a. m.; third trip, 3.30 p. m.; fourth trip, 5.15 p. m.

Carriers return, first trip, 9.15 a. m.; second trip, 1 p. m.; third trip, 5 p. m.; fourth trip, 7.30 p. m.

Carriers end, first trip, 9.30 a. m.; second trip, 1.15 p. m.; third trip, 5.15 p. m.; fourth trip, 7.45 p. m.

Carriers report, first trip, 6.15 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.

Carriers leave, first trip, 7.15 a. m.; second trip, 11 a. m.; third trip, 3.30 p. m.; fourth trip, 5.15 p. m.

Carriers return, first trip, 9.15 a. m.; second trip, 1 p. m.; third trip, 5 p. m.; fourth trip, 7.30 p. m.

Carriers end, first trip, 9.30 a. m.; second trip, 1.15 p. m.; third trip, 5.15 p. m.; fourth trip, 7.45 p. m.

Carriers report, first trip, 6.15 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.

Carriers leave, first trip, 7.15 a. m.; second trip, 11 a. m.; third trip, 3.30 p. m.; fourth trip, 5.15 p. m.

Carriers return, first trip, 9.15 a. m.; second trip, 1 p. m.; third trip, 5 p. m.; fourth trip, 7.30 p. m.

Carriers end, first trip, 9.30 a. m.; second trip, 1.15 p. m.; third trip, 5.15 p. m.; fourth trip, 7.45 p. m.

Carriers report, first trip, 6.15 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.

Carriers leave, first trip, 7.15 a. m.; second trip, 11 a. m.; third trip, 3.30 p. m.; fourth trip, 5.15 p. m.

Carriers return, first trip, 9.15 a. m.; second trip, 1 p. m.; third trip, 5 p. m.; fourth trip, 7.30 p. m.

Carriers end, first trip, 9.30 a. m.; second trip, 1.15 p. m.; third trip, 5.15 p. m.; fourth trip, 7.45 p. m.

Carriers return, first trip, 9.30 a. m.; second trip, 1 p. m.; third trip, 4.50 p. m.; fourth trip, 7.15 p. m.

Carriers end, first trip, 9.45 a. m.; second trip, 1.15 p. m.; third trip, 5 p. m.; fourth trip, 7.30 p. m.

DELIVERIES—WEST FARMS SECTION.

Carriers report, first trip, 6.15 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m.

Carriers leave, first trip, 7.15 a. m.; second trip, 11 a. m.; third trip, 3.30 p. m.

Carriers return, first trip, 10.15 a. m.; second trip, 2 p. m.; third trip, 6.30 p. m.

Carriers end, first trip, 10.30 a. m.; second trip, 2 p. m.; third trip, 6.45 p. m.

COLLECTIONS—CENTRAL SECTION.

Begin at 5 a. m., due at Tremont 6.50 a. m.

Begin at 8 a. m., due at Tremont 9.50 a. m.

Begin at 10 a. m., due at Tremont 11.50 a. m.

Begin at 12 m., due at Tremont 1.50 p. m.

Begin at 1.10 p. m., due at Tremont 3 p. m.

Begin at 3.05 p. m., due at Tremont 4.55 p. m.

Begin at 5.30 p. m., due at Tremont 7.20 p. m.

Begin at 8.30 p. m., due at Tremont 10.20 p. m.

Sundays, leave 2, 4.15, and 8.15 p. m.

COLLECTIONS—WEST FARMS SECTION.

There are eleven boxes located in the West Farms section. Eight collections daily are made from six of these boxes and four collections from the remaining five boxes.

Location of the six boxes having eight collections daily:

Wyse avenue and One hundred and seventy-seventh street.

Boston road and One hundred and seventy-seventh street.

West Farms road and One hundred and seventy-seventh street.

No. 2007 Boston road, Station No. 44.

Boston road and One hundred and seventy-ninth street.

Wyse avenue and One hundred and seventy-ninth street.

Begin at 5 a. m., due at Tremont 6.50 a. m.

Begin at 8 a. m., due at Tremont 9.50 a. m.

Begin at 10 a. m., due at Tremont 11.50 a. m.

Begin at 12 m., due at Tremont 1.50 p. m.

Begin at 1.10 p. m., due at Tremont 3 p. m.

Begin at 3.05 p. m., due at Tremont 4.55 p. m.

Begin at 5.30 p. m., due at Tremont 7.20 p. m.

Begin at 8.30 p. m., due at Tremont 10.20 p. m.

Sundays, leave 2, 4.15, and 8.15 p. m.

Collections from the remaining five boxes in the West Farms section:

Begin at 5.45 a. m., due at Tremont 6.15 a. m.

Begin at 7.15 a. m., due at Tremont 10.15 a. m.

Begin at 11 a. m., due at Tremont 2 p. m.

Begin at 3.30 p. m., due at Tremont 6.30 p. m.

Sundays, leave 2, 4.15, and 8.15 p. m.

One additional carrier and an allowance for one horse, wagon, and driver to establish a package-box wagon route from the Tremont station.

At present there is but one wagon collection route in the Bronx district, located at Station R. With an additional wagon at Tremont it is proposed to extend this collection service on Station X district to St. Anns avenue on the east and Mott avenue on the west, adding four package boxes, one at Mott avenue and One hundred and forty-fourth street, Ryder avenue and One hundred and thirty-eighth street, St. Anns avenue and One hundred and thirty-eighth street, St. Anns avenue and One hundred and forty-first street. On the district of Station R to extend the service to Dawson and Leggett avenues on the east and Mott avenue and One hundred and forty-ninth street on the west, adding seven package boxes, as follows:

One at Trinity avenue and One hundred and forty-ninth street.

One at Union avenue and One hundred and fifty-sixth street.

One at Dawson and Leggett avenues.

One at Jackson avenue, under L station.

One at Prospect avenue, under L station.

One at Eagle and Westchester avenues.

One at Mott avenue and One hundred and forty-ninth street (subway station).

On the district of Station T, to extend the service to Union avenue on the east and Webster avenue on the west, adding eight more package boxes at the following points:

One at Fleetwood avenue and One hundred and sixty-second street.

One at Park avenue and One hundred and sixty-eighth street.

One at Webster avenue and One hundred and seventieth street.

One at Jackson avenue and One hundred and sixty-sixth street.

One at Caldwell avenue and One hundred and sixty-fifth street.

One at Caldwell avenue and One hundred and sixty-first street.

One at Tinton avenue and One hundred and sixty-ninth street.

One at Union avenue and One hundred and sixty-fifth street.

Package boxes could also be placed at important points on the Tremont and the southern portion of the Fordham districts.

FORDHAM STATION.

Nine carriers, four clerks, and one superintendent.

Four deliveries daily are made on the Fordham section.

Five collections daily are made on the Fordham section.

Three deliveries daily are made on the Bedford Park section.

Four collections daily are made on the Bedford Park section.

Boundary of the Fordham section: From Bronx River to One hundred and eighty-seventh street to Marion avenue to One hundred and eighty-ninth street to Fordham road to Jerome avenue to One hundred and ninety-sixth street to Marion avenue to One hundred and ninety-fifth street to Bronx River.

DELIVERIES.

Carriers report, first trip, 6.30 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.

Carriers leave, first trip, 7.30 a. m.; second trip, 11 a. m.; third trip, 3.15 p. m.; fourth trip, 5.15 p. m.

Carriers return, first trip, 9.15 a. m.; second trip, 1 p. m.; third trip, 4.50 p. m.; fourth trip, 7.30 p. m.

Carriers end, first trip, 9.30 a. m.; second trip, 1.15 p. m.; third trip, 5 p. m.; fourth trip, 7.45 p. m.

Delivery on the Fordham section (one-man route), bounded by Webster avenue and One hundred and ninety-fourth street to Jerome avenue to One hundred and ninety-sixth street to Decatur avenue to One hundred and ninety-seventh street to Marion avenue to One hundred and ninety-sixth street.

Carrier reports, first trip, 6.30 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.

Carriers leave, first trip, 7.30 a. m.; second trip, 11 a. m.; third trip, 3.15 p. m.; fourth trip, 5.15 p. m.

Carriers return, first trip, 9.15 a. m.; second trip, 1 p. m.; third trip, 4.50 p. m.; fourth trip, 7.30 p. m.

Carriers end, first trip, 9.30 a. m.; second trip, 1.15 p. m.; third trip, 5 p. m.; fourth trip, 7.45 p. m.

Delivery on the Fordham section (one-man route), bounded by Webster avenue and One hundred and ninety-fourth street to Jerome avenue to One hundred and ninety-sixth street to Decatur avenue to One hundred and ninety-seventh street to Marion avenue to One hundred and ninety-sixth street.

Carrier reports, first trip, 6.30 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.

Carriers leave, first trip, 7.30 a. m.; second trip, 11 a. m.; third trip, 3.15 p. m.; fourth trip, 5.15 p. m.

Carriers return, first trip, 9.15 a. m.; second trip, 1 p. m.; third trip, 4.50 p. m.; fourth trip, 7.30 p. m.

Carriers end, first trip, 9.30 a. m.; second trip, 1.15 p. m.; third trip, 5 p. m.; fourth trip, 7.45 p. m.

Delivery on the Fordham section (one-man route), bounded by Webster avenue and One hundred and ninety-fourth street to Jerome avenue to One hundred and ninety-sixth street to Decatur avenue to One hundred and ninety-seventh street to Marion avenue to One hundred and ninety-sixth street.

Carrier reports, first trip, 6.30 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.

Carriers leave, first trip, 7.30 a. m.; second trip, 11 a. m.; third trip, 3.15 p. m.; fourth trip, 5.15 p. m.

Carriers return, first trip, 9.15 a. m.; second trip, 1 p. m.; third trip, 4.50 p. m.; fourth trip, 7.30 p. m.

Carriers end, first trip, 9.30 a. m.; second trip, 1.15 p. m.; third trip, 5 p. m.; fourth trip, 7.45 p. m.

Delivery on the Fordham section (one-man route), bounded by Webster avenue and One hundred and ninety-fourth street to Jerome avenue to One hundred and ninety-sixth street to Decatur avenue to One hundred and ninety-seventh street to Marion avenue to One hundred and ninety-sixth street.

Carrier reports, first trip, 6.30 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.

Carriers leave, first trip, 7.30 a. m.; second trip, 11 a. m.; third trip, 3.15 p. m.; fourth trip, 5.15 p. m.

Carriers return, first trip, 9.15 a. m.; second trip, 1 p. m.; third trip, 4.50 p. m.; fourth trip, 7.30 p. m.

Carriers end, first trip, 9.30 a. m.; second trip, 1.15 p. m.; third trip, 5 p. m.; fourth trip, 7.45 p. m.

Carrier leaves, first trip, 7.30 a. m.; second trip, 11 a. m.; third trip, 3.15 p. m.; fourth trip, 5.15 p. m.
 Carrier returns, first trip, 9.15 a. m.; second trip, 12.10 p. m.; third trip, 4.15 p. m.; fourth trip, 6.25 p. m.
 Carrier ends, first trip, 9.30 a. m.; second trip, 12.15 p. m.; third trip, 4.30 p. m.; fourth trip, 6.30 p. m.

COLLECTIONS—FORDHAM SECTION.

Begin at 6 a. m., due at Fordham 6.30 a. m.
 Begin at 7.30 a. m., due at Fordham 9.15 a. m.
 Begin at 11 a. m., due at Fordham 1 p. m.
 Begin at 3.15 p. m., due at Fordham 4.50 p. m.
 Begin at 5.15 p. m., due at Fordham 7.30 p. m.
 Sundays, leave 2.30 and 5.30 p. m.
 Collection on that part of Fordham section (one-man route), bounded by Webster avenue and One hundred and ninety-fourth street to Jerome avenue to One hundred and ninety-sixth street to Decatur avenue to One hundred and ninety-seventh street to Marion avenue to One hundred and ninety-sixth street.
 Begin at 6 a. m., due at Fordham 6.30 a. m.
 Begin at 7.30 a. m., due at Fordham 9.15 a. m.
 Begin at 11 a. m., due at Fordham 12.10 p. m.
 Begin at 3.15 p. m., due at Fordham 4.15 p. m.
 Begin at 5.15 p. m., due at Fordham 6.25 p. m.
 Sundays, leave 2.30 and 5.30 p. m.

BEDFORD PARK SECTION.

Three deliveries daily. Four collections daily.
 Boundary of the Bedford Park section: Bronx River and One hundred and ninety-fifth street, through Jacob street to Marion avenue to Sherwood street to One hundred and ninety-sixth street to Jerome avenue to Van Courtlandt avenue to Woodlawn road to Two hundred and seventh street to Bronx River.

DELIVERIES.

Carriers report, first trip, 6.30 a. m.; second trip, 1.15 p. m.; third trip, 4.15 p. m.
 Carriers leave, first trip, 7.30 a. m.; second trip, 1.30 p. m.; third trip, 4.30 p. m.
 Carriers return, first trip, 9.50 a. m.; second trip, 3 p. m.; third trip, 6.05 p. m.
 Carriers end, first trip, 10 a. m.; second trip, 3.15 p. m.; third trip, 6.15 p. m.

COLLECTIONS.

Begin at 6 a. m., due at Fordham 6.30 a. m.
 Begin at 7.30 a. m., due at Fordham 9.50 a. m.
 Begin at 1.30 p. m., due at Fordham 3 p. m.
 Begin at 4.30 p. m., due at Fordham 6.05 p. m.
 Sundays, leave 4 p. m.
 Five additional carriers. "Fordham" proper now enjoys four deliveries daily, whereas that portion of the district known as "Bedford Park" has but three deliveries. The service in the latter section should be increased to the same standard as Fordham. The first delivery of mail on the Bedford Park section is not completed at the present time until 9.50 a. m., which results in frequent complaints and protests from residents. It is proposed to complete the first trip by 9.15. It is also recommended that an independent collection service be established on the entire Fordham district, with eight collections daily, the first beginning at 6 a. m. and the last at 8 p. m. Under present conditions letters deposited in certain boxes in the Bedford Park section shortly after 7.30 a. m. do not reach the station until 3 p. m., and they can not therefore be delivered in the lower part of the city until the first regular delivery on the following morning. Again, if the letters are deposited in certain boxes after 4.30 p. m., they can not reach the station until 6.30 a. m. following morning. During the past six months eighty-two two and three family houses have been erected and occupied, and at the present time eighty-seven two-family houses are in course of construction; six three-family houses and two apartment houses—one eight and the other sixteen families. At least twelve additional street letter boxes should also be erected at prominent points in that section.

It is further recommended that mails to and from the Fordham station be carried on the elevated railroad instead of on the New York Central and Hudson River Railroad—Harlem division—as at present, with an hourly interchange of mails from Tremont station, T. Fox street, R. X. and L. This will be a decided improvement in the local service in the sections named. Wagon service should also be extended between Tremont and Fordham to four round trips daily, to carry newspaper mails and other matter too heavy to be handled on the L. railroad.

WESTCHESTER STATION.

Thirteen carriers, three clerks, one superintendent, and one janitor are assigned to the station.
 Three deliveries daily are made in Westchester village.
 Two deliveries daily are made outside of Westchester village.
 Four collections daily are made in Westchester village.
 Three collections are made in Unionport, Van Nest, Bronxdale, and Morris Park.
 Two collections daily are made in Classon Point, Throggs Neck, and Fort Schuyler.

DELIVERIES—WESTCHESTER VILLAGE.

Carriers report, first trip, 7 a. m.; second trip, 1.30 p. m.; third trip, 3.45 p. m.
 Carriers leave, first trip, 7.35 a. m.; second trip, 1.45 p. m.; third trip, 4 p. m.
 Carriers return, first trip, 10.35 a. m.; second trip, 3.30 p. m.; third trip, 5.05 p. m.
 Carriers end, first trip, 10.40 a. m.; second trip, 3.40 p. m.; third trip, 5.15 p. m.

UNIONPORT, VAN NEST, BRONXDALE, AND MORRIS PARK.

Carriers report, first trip, 7 a. m.; second trip, 2.30 p. m.
 Carriers leave, first trip, 7.35 a. m.; second trip, 2.45 p. m.
 Carriers return, first trip, 10.55 a. m.; second trip, 5.25 p. m.
 Carriers end, first trip, 11.10 a. m.; second trip, 5.40 p. m.

DELIVERIES—CLASSON POINT, THROGGS NECK, AND FORT SCHUYLER.

Carriers report, first trip, 7 a. m.; second trip, 2.30 p. m.
 Carriers leave, first trip, 7.35 a. m.; second trip, 2.45 p. m.
 Carriers return, first trip, 11.15 a. m.; second trip, 5.45 p. m.
 Carriers end, first trip, 11.30 a. m.; second trip, 6 p. m.

COLLECTIONS—WESTCHESTER VILLAGE.

Begin at 6.20 a. m.; due at station at 7 a. m.
 Begin at 7.35 a. m.; due at station at 10.35 a. m.

Begin at 1.45 p. m.; due at station at 3.30 p. m.
 Begin at 4 p. m.; due at station at 5.05 p. m.
 Sundays, leave 3.30 p. m.

COLLECTIONS—UNIONPORT, VAN NEST, BRONXDALE, AND MORRIS PARK.

Begin at 6.20 a. m.; due at station at 7 a. m.
 Begin at 7.35 a. m.; due at station at 10.55 a. m.
 Begin at 2.45 p. m.; due at station at 5.25 p. m.
 Sundays, leave 3.30 p. m.

COLLECTIONS—CLASSON POINT, THROGGS NECK, AND FORT SCHUYLER.

Begin at 7.35 a. m., due at station 11.15 a. m.
 Begin at 2.45 p. m., due at station 5.45 p. m.
 Sundays: Leave 3.30 p. m.

Four additional carriers for collection and deliveries.

The first delivery now made in the village of Westchester is not completed until 10.35 a. m. It is proposed to complete the trip at 10 o'clock. The last delivery begins at 4 p. m. and is completed at 5.05 p. m. It is proposed to make this trip at a later hour, 4.45 p. m. At present a very important mail arrives from Station L at 4.28, and, of course, can not be sent out until the following morning. By changing the hour of departure of last trip to 4.45 p. m., as suggested, it would assure delivery on same night of the mail received at 4.28.

Unionport, Van Nest, Bronxdale, and Morris Park sections have but two deliveries daily, one beginning at 7.35 a. m. and the other at 2.45 p. m. An additional trip should be made at 1.45 p. m. and the present 2.45 trip should be changed to 4.45. The advantages of this proposed change are that residents of the above-named sections would receive their first delivery by 10 o'clock, whereas under the present conditions the first delivery is not completed until 10.55. The mails now reaching Westchester at 3.15 and 4.28 p. m. could both be delivered in these sections on the same night by carriers leaving station at 4.45 p. m. This would also permit of a later collection service over the same territories. At present carrier begins collecting on his last delivery trip at 2.45 p. m., whereas under the proposed schedule collections would begin at 4.45, when carriers would start out on their last delivery.

There have been thirty-five two-family houses erected and occupied in Westchester village during the past year, and ten similar structures will be ready for occupancy on or about January 1 next. In the Unionport, Van Nest, Bronxdale, and Morris Park sections a total of 341 two-family houses have been erected and occupied since January 1, 1906, and 65 similar structures will be ready by January 1 next. At least ten additional boxes should also be erected in the above sections in order to obtain full advantage of the additional carriers' service.

WILLIAMS BRIDGE STATION.

Nine carriers, two clerks, one superintendent, and one janitor are assigned to the station.

Three deliveries daily are made on the Williams Bridge, Laconia Park, Wakefield, Bronxwood Park, Lester Park, and Bronx Park (part) sections.

Two deliveries daily are made on the Eastchester, Arden, and Edenwald sections.

Four collections daily are made on the Williams Bridge, Laconia Park, Wakefield, Bronxwood Park, Lester Park, and Bronx Park (part) sections.

Two collections daily are made on the Eastchester, Arden, and Edenwald sections.

DELIVERIES—WILLIAMS BRIDGE AND LACONIA PARK SECTIONS.

Carriers report, first trip, 7.15 a. m.; second trip, 1.10 p. m.; third trip, 4.25 p. m.
 Carriers leave, first trip, 7.45 a. m.; second trip, 1.25 p. m.; third trip, 4.35 p. m.
 Carriers return, first trip, 10.15 a. m.; second trip, 3.35 p. m.; third trip, 6.25 p. m.
 Carriers end, first trip, 10.20 a. m.; second trip, 3.40 p. m.; third trip, 6.30 p. m.

DELIVERIES—UPPER WAKEFIELD SECTION.

Carriers report, first trip, 7.15 a. m.; second trip, 1.10 p. m.; third trip, 4.25 p. m.
 Carriers leave, first trip, 7.45 a. m.; second trip, 1.25 p. m.; third trip, 4.35 p. m.
 Carriers return, first trip, 10.35 a. m.; second trip, 3.35 p. m.; third trip, 6.25 p. m.
 Carriers end, first trip, 10.40 a. m.; second trip, 3.40 p. m.; third trip, 6.30 p. m.

DELIVERIES—LOWER WAKEFIELD SECTION.

Carriers report, first trip, 7.15 a. m.; second trip, 1.10 p. m.; third trip, 4.25 p. m.
 Carriers leave, first trip, 7.45 a. m.; second trip, 1.25 p. m.; third trip, 4.35 p. m.
 Carriers return, first trip, 10.20 a. m.; second trip, 3.30 p. m.; third trip, 6.25 p. m.
 Carriers end, first trip, 10.25 a. m.; second trip, 3.35 p. m.; third trip, 6.30 p. m.

DELIVERIES—BRONXWOOD PARK, LESTER PARK, AND BRONX PARK (PART) SECTIONS.

Carriers report, first trip, 7.15 a. m.; second trip, 1.10 p. m.; third trip, 4.25 p. m.
 Carriers leave, first trip, 7.45 a. m.; second trip, 1.25 p. m.; third trip, 4.35 p. m.
 Carriers return, first trip, 10.55 a. m.; second trip, 2.55 p. m.; third trip, 6.25 p. m.
 Carriers end, first trip, 11 a. m.; second trip, 3 p. m.; third trip, 6.30 p. m.

DELIVERIES—EASTCHESTER AND ARDEN SECTIONS.

Carriers report, first trip, 7.15 a. m.; second trip, 4.25 p. m.
 Carriers leave, first trip, 7.45 a. m.; second trip, 4.35 p. m.
 Carriers return, first trip, 11.55 a. m.; second trip, 7.30 p. m.
 Carriers end, first trip, 12 m.; second trip, 7.40 p. m.

DELIVERIES—EDENWALD SECTION.

Carriers report, first trip, 7.15 a. m.; second trip, 4.25 p. m.
 Carriers leave, first trip, 7.45 a. m.; second trip, 4.35 p. m.
 Carriers return, first trip, 11.45 a. m.; second trip, 7.10 p. m.
 Carriers end, first trip, 11.50 a. m.; second trip, 7.20 p. m.

COLLECTIONS—WILLIAMS BRIDGE AND LACONIA PARK SECTIONS.

Begin at 6.45 a. m., due at station 7.15 a. m.
 Begin at 7.45 a. m., due at station 10.15 a. m.
 Begin at 1.25 p. m., due at station 3.35 p. m.
 Begin at 4.35 p. m., due at station 6.25 p. m.
 Sundays leave 4 p. m.

COLLECTIONS—UPPER WAKEFIELD SECTION.

Begin at 6.50 a. m., due at station 7.15 a. m.
 Begin at 7.45 a. m., due at station 10.35 a. m.
 Begin at 1.25 p. m., due at station 3.35 p. m.
 Begin at 4.35 p. m., due at station 6.25 p. m.
 Sundays leave 4 p. m.

COLLECTIONS—LOWER WAKEFIELD SECTION.

Begin at 6.55 a. m., due at station 7.15 a. m.
 Begin at 7.45 a. m., due at station 10.20 a. m.
 Begin at 1.25 p. m., due at station 3.30 p. m.
 Begin at 4.35 p. m., due at station 6.25 p. m.
 Sundays leave 4 p. m.

COLLECTIONS—BRONXWOOD PARK, LESTER PARK, AND BRONX PARK (PART) SECTIONS.

Begin at 6.55 a. m., due at station 7.15 a. m.
 Begin at 7.45 a. m., due at station 10.55 a. m.
 Begin at 1.35 p. m., due at station 2.55 p. m.
 Begin at 4.35 p. m., due at station 6.25 a. m.
 Sundays leave 4 p. m.

COLLECTIONS—EASTCHESTER AND ARDEN SECTIONS.

Begin at 7.45 a. m., due at station 11.55 a. m.
 Begin at 4.35 p. m., due at station 7.30 p. m.
 Sundays leave 4 p. m.

COLLECTIONS—EDENWALD SECTION.

Begin at 7.45 a. m., due at station 11.45 a. m.
 Begin at 4.35 p. m., due at station 7.30 p. m.
 Sundays, leave at 4 p. m.
 The service should not be increased at this time.

CITY ISLAND STATION.

Three carriers, one clerk, and one superintendent are assigned to the station.

Four deliveries daily are made on the island.
 Four collections daily are made on the island.
 Two deliveries daily are made in Pelham Bay Park.
 Two collections daily are made in Pelham Bay Park.

DELIVERIES ON THE ISLAND.

Carriers report, first trip, 6.45 a. m.; second trip, 10.50 a. m.; third trip, 1.45 p. m.; fourth trip, 4.45 p. m.
 Carriers leave, first trip, 7.15 a. m.; second trip, 11 a. m.; third trip, 2 p. m.; fourth trip, 5 p. m.
 Carriers return, first trip, 9.25 a. m.; second trip, 12.15 p. m.; third trip, 3.30 p. m.; fourth trip, 6.10 p. m.
 Carriers end, first trip, 9.45 a. m.; second trip, 12.20 p. m.; third trip, 3.45 p. m.; fourth trip, 6.15 p. m.

COLLECTIONS ON THE ISLAND.

Begin at 7.15 a. m., due at station 9.25 a. m.
 Begin at 11 a. m., due at station 12.15 p. m.
 Begin at 2 p. m., due at station 3.30 p. m.
 Begin at 5 p. m., due at station 6.10 p. m.
 Sundays, leave at 5.30 p. m.

DELIVERIES IN PELHAM BAY PARK.

Carriers report, first trip, 6.45 a. m.; second trip, 1.45 p. m.
 Carriers leave, first trip, 7.15 a. m.; second trip, 2 p. m.
 Carriers return, first trip, 11.25 a. m.; second trip, 4.50 p. m.
 Carriers end, first trip, 11.30 a. m.; second trip, 5 p. m.

COLLECTIONS IN PELHAM BAY PARK.

Begin at 7.15 a. m., due at station 11.25 a. m.
 Begin at 2 p. m., due at station 4.50 p. m.
 Sundays, leave at 4 p. m.
 The service should not be increased.

HIGH BRIDGE STATION.

Four carriers, one clerk, and one superintendent are assigned to the station.

Four deliveries daily are made on all parts of the district.
 Six collections daily are made on all parts of the district.

DELIVERIES.

Carriers report, first trip, 7.15 a. m.; second trip, 9.50 a. m.; third trip, 2.45 p. m.; fourth trip, 4.50 p. m.
 Carriers leave, first trip, 7.45 a. m.; second trip, 10 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.
 Carriers return, first trip, 9.45 a. m.; second trip, 11.20 a. m.; third trip, 4.45 p. m.; fourth trip, 6.20 p. m.
 Carriers end, first trip, 9.50 a. m.; second trip, 11.30 a. m.; third trip, 4.50 p. m.; fourth trip, 6.30 p. m.

COLLECTIONS.

Begin at 5.45 a. m., due at station 7.10 a. m.
 Begin at 7.45 a. m., due at station 9.45 a. m.
 Begin at 10 a. m., due at station 11.20 a. m.
 Begin at 12.45 p. m., due at station 2 p. m.
 Begin at 3 p. m., due at station 4.45 p. m.
 Begin at 5 p. m., due at station 6.20 p. m.
 Sundays, leave 4.30 p. m.

One additional carrier for delivery and collection service. Since the last increase in carriers' force at this station 73 one, two, and three family houses have been erected and occupied by 280 families. There are at present in course of construction 7 apartment houses, which will accommodate 110 families, and 10 one, two, and three family houses, the greater part of which are about completed. All will be ready for occupancy in a short time. The last collection of mail on this district now begins at 5 p. m., when carrier starts out on his last delivery trip. It is proposed to make a later collection of mail on all parts of the district.

UNIVERSITY HEIGHTS STATION.

Four carriers, one clerk, and one superintendent are assigned to the station.

Four deliveries daily are made on all parts of the district.
 Five collections daily are made on all parts of the district.

DELIVERIES.

Carriers report, first trip, 7.15 a. m.; second trip, 10 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.
 Carriers leave, first trip, 7.45 a. m.; second trip, 10.15 a. m.; third trip, 3.15 p. m.; fourth trip, 5.15 p. m.
 Carriers return, first trip, 9.45 a. m.; second trip, 11.20 a. m.; third trip, 4.50 p. m.; fourth trip, 6.30 p. m.

Carriers end, first trip, 10 a. m.; second trip, 11.30 a. m.; third trip, 5 p. m.; fourth trip, 6.45.

COLLECTIONS.

Begin at 5.30 a. m., due at station 7 a. m.
 Begin at 7.45 a. m., due at station 9.45 a. m.
 Begin at 10.15 a. m., due at station 11.20 a. m.
 Begin at 3.15 p. m., due at station 4.50 p. m.
 Begin at 5.15 p. m., due at station 6.30 p. m.
 Sundays, leave 4.30 p. m.
 The service should not be increased at this time.

KINGSBRIDGE STATION.

Thirteen carriers, two clerks, one superintendent, and one janitor are assigned to the station.

Four deliveries daily are made on all parts of the district.
 Five collections daily are made on the Central, Marble Hill, and Spuyten Duyvil sections.

Four collections daily are made on the Riverdale, Van Courtlandt, Hudson Park, and Woodlawn sections.

DELIVERIES—RIVERDALE, VAN COURTLANDT, HUDSON PARK, AND WOODLAWN.

Carriers report, first trip, 6.45 a. m.; second trip, 10 a. m.; third trip, 1.45 p. m.; fourth trip, 4.45 p. m.

Carriers leave, first trip, 7.15 a. m.; second trip, 10.15 a. m.; third trip, 2 p. m.; fourth trip, 5 p. m.

Carriers return, first trip, 9.15 a. m.; second trip, 12 m.; third trip, 4 p. m.; fourth trip, 7 p. m.

Carriers end, first trip, 9.30 a. m.; second trip, 12.15 p. m.; third trip, 4.15 p. m.; fourth trip, 7.15 p. m.

DELIVERIES—RIVERDALE, VAN COURTLANDT, HUDSON PARK, AND WOODLAWN SECTIONS.

Carriers report, first trip, 6.45 a. m.; second trip, 10 a. m.; third trip, 1.45 p. m.; fourth trip, 4.45 p. m.

Carriers leave, first trip, 7.15 a. m.; second trip, 10.15 a. m.; third trip, 2 p. m.; fourth trip, 5 p. m.

Carriers return, first trip, 9.30 a. m.; second trip, 12.15 p. m.; third trip, 4 p. m.; fourth trip, 7 p. m.

Carriers end, first trip, 9.45 a. m.; second trip, 12.30 p. m.; third trip, 4.15 p. m.; fourth trip, 7.15 p. m.

COLLECTIONS—CENTRAL, MARBLE HILL, AND SPUYTEN DUYVIL SECTIONS.

Begin at 6.15 a. m., due at station 6.45 a. m.
 Begin at 7.15 a. m., due at station 9.15 a. m.
 Begin at 10.15 a. m., due at station 12 m.
 Begin at 2 p. m., due at station 4 p. m.
 Begin at 5 p. m., due at station 7 p. m.
 Sundays, leave 3 p. m.

COLLECTIONS—RIVERDALE, VAN COURTLANDT, HUDSON PARK, AND WOODLAWN SECTIONS.

Begin at 7.15 a. m., due at station 9.30 a. m.
 Begin at 10.15 a. m., due at station 12.15 p. m.
 Begin at 2 p. m., due at station 4 p. m.
 Begin at 5 p. m., due at station 7 p. m.
 Sundays, leave 3 p. m.

At the present time there is an early morning collection of mail in the Central, Marble Hill, and Spuyten Duyvil sections, beginning at 6.15 and reaching the station at 6.45, but it is not deemed advisable at this time to extend this collection to the Riverdale, Van Courtlandt, Hudson Park, and Woodlawn sections, all of which are within 2 and 3 miles of the station and are covered by mounted routes.

RECAPITULATION.

	Carriers.
Station X	2
Station T	1
Fox Street Station	3
Fordham Station	5
Westchester Station	4
High Bridge Station	1
Tremont Station	1
Total	17

Also an additional allowance for horse hire, wagon, and driver to establish a package-box route on the Tremont section.

Mr. GOULDEN. Now, Mr. Chairman, in conclusion, a perusal of the figures clearly establish the urgent necessity for immediate action on the part of the Post-Office Department and of Congress.

The complaints of inadequate and unsatisfactory service are very numerous and exceedingly embarrassing to Postmaster Willcox and to the Representative in Congress from that district. A new, centrally located building, with largely increased carrier and clerical force, is urgently demanded by the people. These facts are respectfully commended to the Postmaster-General and to the Committee on Public Buildings and Grounds of the Senate and House. [Applause.]

Mr. BURLESON. Mr. Chairman, in connection with the remarks submitted by me on yesterday, I desire the privilege of extending them in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GILLET. If there is no further time for general debate requested, I will ask that the Clerk read.

The Clerk read as follows:

For assessor's office: For assessor, \$3,500, and \$500 additional as chairman of the excise and personal tax boards; two assistant assessors, at \$2,000 each; two clerks, at \$1,400 each; clerk, arrears division, \$1,400; four clerks, at \$1,200 each; draftsman, \$1,200; four clerks, at \$1,000 each; assistant or clerk, \$900; clerk in charge of records, \$1,000; two clerks, at \$900 each; license clerk, \$1,200; two clerks, at \$1,000 each; inspector of licenses, \$1,200; assistant inspector of licenses, \$1,000; messenger, \$600; three assistant assessors, at \$3,000 each; clerk to board of assistant assessors, \$1,500; messenger and driver, for board of assistant assessors, \$600; temporary clerk hire, \$500; in all, \$43,500.

Mr. JOHNSON. Mr. Chairman, I move to strike out the last word. I want to find out if there has been any reduction in the

force of the assessor's office in this bill as compared with the last bill.

Mr. GILLET. No; there has not.

Mr. JOHNSON. Has there been any increase?

Mr. GILLET. No; it is exactly the same.

Mr. JOHNSON. Can the gentleman tell me how many taxpayers there are in the District of Columbia?

Mr. GILLET. No; I can not say that offhand.

Mr. JOHNSON. I have made a calculation here, and I find they have employed about eighty-odd men to assess the property and collect the taxes in the District of Columbia. And, with the gentleman's permission, I want to state now what I stated when a similar bill was last year before Congress, namely, that in the county in which I live there are 18,000 taxpayers, and one man assesses the property for all those taxpayers and makes up the books and turns them over to the county treasurer. Now, I wanted to find out, if it was possible, what these forty-odd men in the assessor's office were doing.

Mr. GILLET. Well, Mr. Chairman, I remember the gentleman's inquiry of last year. I went personally and inquired as to the necessity of it. It has so happened that the person who was chief assessor last year has resigned meanwhile, and is a person whom I know personally and have great confidence in. I inquired if there was not an opportunity for a reduction of force without the Government service suffering, and he said that there was not, and he thought it was a hard-worked force and was essential for the proper performance of the duties of the office.

The CHAIRMAN. The typographical error on page 4, line 22—the word "assessor"—will be corrected by the Clerk to read "assessors." Is there objection?

There was no objection.

Mr. JOHNSON. I would like to say to the gentleman that I have been very much impressed with the zealous efforts of this subcommittee in making up not only this bill, but the bill that preceded it, but it seems to me that we ought to have some information here about how many taxpayers there are and why it takes forty men to assess the property.

Mr. GILLET. Mr. Chairman, I can give the gentleman the exact duties which were performed by these different men. They were required to be reported to us, and they are here in the report of the hearings of this year, which the gentleman may possibly have found.

Mr. JOHNSON. No; I have not.

Mr. GILLET. They are on page 288 of the hearings.

Mr. JOHNSON. I am sorry I overlooked it, because that is some information I wanted to obtain.

Mr. GILLET. It is the exact information the gentleman referred to and was incited by his suggestion of last year.

Mr. JOHNSON. I withdraw the amendment. I just wanted to know what these people were doing.

The Clerk read as follows:

Excise board: For chief clerk, \$2,000; clerk, \$1,200; clerk, \$1,000; messenger, \$600; in all, \$4,800.

Mr. JOHNSON. Mr. Chairman, I move to strike out the last word. I want to find out from the gentleman in charge of this bill what the excise board does. Are they the people who grant the licenses to sell whisky and intoxicating liquors in the District?

Mr. GILLET. Yes; they are to grant all kinds of licenses that are granted in the District.

Mr. JOHNSON. How many licenses are granted in the city of Washington each year?

Mr. GILLET. Well, I can not carry these figures in my head, and the gentleman would hardly expect me to do that. But we have them in the hearings of last year.

Mr. JOHNSON. I see that you have an excise board, a chief license clerk, and an assistant license clerk, etc.

Mr. GILLET. No; there is one chief clerk and two other clerks.

Mr. JOHNSON. Not in that paragraph, but in another paragraph I find chief license clerk and assistant license clerk and all these other clerks. I withdraw the amendment. I only asked for information. That is what I am trying to get.

The Clerk read as follows:

For engineer's office: Record division: For chief clerk, \$1,900; clerk, \$1,800; clerk, \$1,600; clerk, \$1,400; three clerks, at \$1,200 each; clerk, \$840; two messengers, at \$540 each; engineer of highways, \$3,000; assistant engineer, \$1,600; two assistant engineers, at \$1,500 each; three rodmen, at \$780 each; three chainmen, at \$650 each; draftsman, \$1,200; three inspectors of streets, at \$1,200 each; superintendent of streets, \$2,000; superintendent of county roads, \$1,500, and \$500 additional as assistant engineer in Rock Creek Park; superintendent of parking, \$1,300; assistant superintendent of parking, \$1,000; clerk, \$900; inspector of asphalt and cements, \$2,400; *Provided*, That the inspector of asphalt and cements shall not receive or accept compensation of any kind from or perform any work or render any services of a character required of him officially by the District

of Columbia to any person, firm, corporation, or municipality, other than the District of Columbia; inspector of gas and meters, \$2,000; assistant inspector of gas and meters, \$1,000; assistant inspector of gas and meters, \$840; messenger, \$540; inspector of sewers, \$1,200; superintendent of sewers, \$3,000; general inspector of sewers, \$1,300; two assistant engineers, at \$1,500 each; draftsman, \$1,200; three rodmen, at \$780 each; three chainmen, at \$650 each; clerk, \$1,400; two clerks, at \$1,000 each; two inspectors of property, at \$936 each; permit clerk, \$1,500; assistant permit clerk, \$900; index clerk and typewriter, \$720; clerk, \$1,500; two clerks, at \$1,350 each; inspector of material, \$1,200; two property-yard keepers, at \$1,000 each; engineer of bridges, \$2,100; two assistant engineers, at \$1,800 each; assistant engineer, \$1,350; assistant engineer, \$1,200; two transitmen, at \$1,200 each; transitman, \$1,050; three rodmen, at \$900 each; three chainmen, at \$650 each; draftsman, \$1,350; clerk, \$1,500; clerk, \$1,200; clerk, \$600; three messengers, at \$540 each; inspector, \$1,500; inspector, \$1,200; bridge inspector, \$1,200; eight foremen, at \$1,200 each; three subforemen, at \$1,050 each; bridge keeper, \$650; three bridge keepers, at \$600 each; foreman, Rock Creek Park, \$1,200; foreman, \$1,050; four foremen, at \$900 each; clerk, \$750; inspector, \$1,000; assistant engineer, \$1,800; rodman, \$900; chainman, \$650; assistant inspector of asphalt and cements, \$1,500; two inspectors, at \$1,200 each; inspector, \$900; clerk, \$750; two skilled laborers, at \$600 each; skilled laborer, \$625; assistant engineer, \$2,200; draftsman, \$1,350; assistant engineer, \$2,100; assistant engineer, \$1,800; assistant engineer, \$1,500; inspector, \$1,500; clerk, \$1,200; draftsman, \$1,050; two rodmen, at \$780 each; two chainmen, at \$650 each; two messengers, at \$540 each; four foremen, at \$1,200 each; six foremen, at \$900 each; janitor, \$720; principal steam engineer, \$1,800; three assistant steam engineers, at \$1,050 each; six oilers, at \$600 each; six firemen, at \$875 each; superintendent of repairs, \$1,500; clerk, \$1,050; clerk, \$620; driver, \$540; superintendent of stables, \$1,500; blacksmith, \$975; two watchmen, at \$630 each; two drivers, at \$630 each; in all, \$182,782.

Mr. JONES of Virginia. Mr. Chairman, I desire to offer an amendment on page 9, lines 23 and 24, by striking out the words "seven hundred and twenty" and inserting in lieu thereof "nine hundred;" so as to make the paragraph read: "index clerk and typewriter, \$900."

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 9, lines 23 and 24, strike out the words "seven hundred and twenty" and insert in lieu thereof "nine hundred."

Mr. JONES of Virginia. Mr. Chairman, this proposed increase, as I understand, was recommended by the District Commissioners, or at least by the superior officer of this index clerk. I am informed that it was made because in the judgment of those making it the amount of the work performed, as well as the excellent manner in which it has been performed, fully justify the small increase asked. There are those employed in this same building whose duties are no more onerous who are to-day drawing larger salaries. I also understand that there are a number of clerks in the District building who have entered the office long since this clerk did, and at less salaries, who are now drawing \$1,000 a year. I happen to know, Mr. Chairman, that the lady who occupies this position, who has for years discharged its duties most faithfully and most conscientiously, and whose superiors believe is entitled to a promotion and increase of salary because of the amount and character of the work she performs, is the great-granddaughter of Francis Scott Key, the author of the Star-Spangled Banner. That fact should appeal to this House, I think. I ask, however, that this increase be made, because in the first place it has been recommended by the department, recommended by the official who best knows what the duties of the position are and how well they are performed. It is a fact, I believe, Mr. Chairman, that the work of this position has increased at least 40 per cent during the five years that this lady has occupied it, and yet she has never been given any promotion or increase of salary notwithstanding that the department has recommended it. The increase asked is very small—only \$180 a year—and I trust that the gentleman in charge of this bill will not, under the circumstances, oppose so just and moderate a request. The case is, in my opinion, an exceptionally meritorious one.

Mr. GILLET. Mr. Chairman, it is one of the unpleasant functions of the chairman of one of these subcommittees to be obliged to deny many requests he would be glad to grant. Of course many of us would like to give more money to the granddaughter of her grandfather; but, after all, that is hardly a ground upon which a Committee on Appropriations would be expected by the House to act. If we did, there is no knowing where this appropriation bill would end. We looked at this case upon its merits. There was, as stated, a recommendation for an increase by her superior, but there are many clerks in this bill whose salaries would be increased if we granted the recommendation of their superiors. We did not think from investigation that her duties entitled her to a raise of salary; and although a number of Members spoke to us on the sentimental side of it, we did not think it our duty to yield to that; and, therefore, acting as we supposed the House would expect and wish us to, we declined to increase the amount. I trust the amendment will not succeed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. JONES of Virginia. Division, Mr. Chairman.

The committee divided; and there were—ayes 8, yeas 18.

So the amendment was rejected.

Mr. NORRIS. Mr. Chairman, I would like to ask the gentleman in charge of the bill regarding some things which appear in this quite lengthy paragraph and which have been read several times. In quite a number of instances there are repetitions of the same thing. To call the gentleman's attention specifically to one item only, as an illustration of a good many others, I see that rodmen, for instance, are repeated a great many times in the paragraph and in different places of the bill. I should like to know why it is that these different employees are not included together in one bunch instead of being divided up into divisions and repeated so many times in the bill.

Mr. GILLETT. Mr. Chairman, the same inquiry suggested itself to me when I first had to do with the bill, and there are two reasons for it. One is that there are different branches of the service which employ rodmen, and those are kept distinct. Another reason is that we are anxious to keep track, as far as possible, of additions that are made from year to year, so that we can compare the growth of the service. For that reason, instead of adding them, or instead of saying five rodmen instead of four, we put the additional man on at the foot of the section, in order to show that it was an addition to the previous year. These two reasons actuated the committee and always have, and although I will admit that it makes a clumsy and bungling section, yet for the advantage of the service and ease of reference to its growth, it has been thought better to keep them in that way.

Mr. NORRIS. Now, I should like to ask the gentleman if he does not think it would be easier to keep track of these increases if they were all put in one paragraph or one line, or one bunch, if you want to call it that, instead of putting them in different places in the same paragraph?

It seems to me it would be much easier to know whether there had been changes included in the bill more than in preceding bills, if we simply increased the number. It would be easier to compare with former legislation, than it would be by doing it as it is done here, putting it on another page. It seems to me also that the committee ought to state in their bill where they are classified, as the gentleman says they are, on account of different departments, just what departments the particular men are engaged or employed in.

Mr. GILLETT. I think myself that would be wise.

Mr. FITZGERALD. I think that appears from reading the paragraph.

Mr. GILLETT. I think if the gentleman will study the bill (it does require some study) he will see that, for instance, on page 8—

Mr. NORRIS. What line?

Mr. GILLETT. In line 14 there is an engineer of highways. Then under that come the rodmen who are employed in his office.

Mr. NORRIS. Are we to understand that the rodmen that come in with the engineer of highways as rodmen are in fact under the engineer of highways?

Mr. GILLETT. Certainly. Now, for instance, on page 9 there is a superintendent of sewers.

Mr. NORRIS. In what line?

Mr. GILLETT. Line 13. Then below that there are three rodmen. Those are in the sewer department. In fact, I think that explains all the repetitions in this paragraph. I think what I said about keeping track of additions does not apply to this paragraph. I think the reason they are repeated here is because there are different branches of the engineer's office—highways, sewers, bridges—all of whom employ rodmen.

Mr. FITZGERALD. And streets.

Mr. NORRIS. If I am not mistaken, the words "inspector of sewers," or at least "assistant inspector of sewers," appear several times in this paragraph, do they not?

Mr. GILLETT. I do not think so.

Mr. NORRIS. I was thinking I saw the words "inspector of sewers" on different pages.

Mr. GILLETT. I do not think so. Now, on page 11 you will see some more rodmen.

Mr. NORRIS. Take the phrase "inspector of asphalt," on page 11, line 2.

Mr. GILLETT. Yes.

Mr. NORRIS. Does not that appear several times?

Mr. GILLETT. I think not.

Mr. FITZGERALD. There is an inspector and an assistant inspector. The inspector is on page 9 and the assistant inspector on page 11.

Mr. NORRIS. That is where the difference comes in. The inspector is provided for on page 9 and the assistant inspector is not provided for until you get to page 11.

Mr. GILLETT. No.

Mr. NORRIS. In between those provisions are a great many other things that have nothing to do with that subject. It seems to me that the assistant inspector ought to follow the inspector if you expect us to understand that a rodman must always follow the chief who precedes him.

Mr. GILLETT. I think that is a fair suggestion, but of course it has grown up by the assistant inspector being added some years after the inspector. I do not see any reason why he should not have followed directly the inspector.

The Clerk read as follows:

Special assessment office: For special assessment clerk, \$1,700; seven clerks, at \$1,200 each; two clerks, at \$900 each; and one clerk, \$750; in all, \$12,650.

Mr. JOHNSON. Mr. Speaker, I move to strike out the last word. I have read what the gentleman called my attention to relative to duties of the assessor's office. I had not had an opportunity to read all the evidence before the bill came up, but I am glad the gentleman called this particular evidence to my attention. I want to say that I think the work ought to be definitely known. The excuse given for so many people being in this office is that they have many duties outside of that of assessing property. I think that in order that Congress may know what it is doing in appropriating this money the duties of this officer and his force should be more carefully designated.

That brings me to another question. We have here an assessor's office, we have an excise board, and we have a personal tax board. In addition to that the sundry civil bill carries appropriation for about eleven men who are engaged in some one of these departments. Now, on page 12 we come to another assessing board, the "special assessment board." I want to find out what they do.

Mr. GILLETT. They have no connection, although the title would indicate that they have, with the assessor's office which the gentleman is speaking of. The special assessment board is for assessment of damages; when a man wants a sidewalk, for instance, changed the expense is assessed and the expense of changing the sidewalk or the cutting down of a street or improvements of that kind is assessed upon all the property benefited. This does not relate to taxes at all, and I think is not at all connected with the assessor's office.

Mr. JOHNSON. I am asking the gentleman for information. Do I understand that these clerks who are in the office—seven clerks at \$1,200 each, two clerks at \$900 each, and one clerk at \$750—assess damages?

Mr. FITZGERALD. They compute the assessment levied on property for sewers, curbing, pavement, and the like.

Mr. JOHNSON. But who makes the assessment—who does the assessing? Evidently the clerks do not do it.

Mr. FITZGERALD. Yes; they do it. Where property owners petition for a new paving, or where there are to be sewers laid, the cost of that is estimated by the engineer's office, and that cost is distributed over a certain area. These clerks, according to fixed rules, estimate the amount of each particular piece of property within that area, and it is assessed for that portion of the cost of the work.

Mr. JOHNSON. The engineer does the work in the field?

Mr. FITZGERALD. This is all office work.

Mr. JOHNSON. I want to know who goes out and does the work?

Mr. FITZGERALD. The trouble is not with the committee that reports this bill. This committee merely reports appropriation for service of men who are provided for in the general laws and the title to these offices are fixed in the bills passed as general legislation.

Mr. JOHNSON. I understand that. I am not complaining about this committee; I am trying to find out what these people do.

Mr. FITZGERALD. I think that is as accurate a statement as can be made; that they compute the proportionate share of the assessment of work of that character—paving, sewers, curbing, and the like—on each piece of property within a particular area.

Mr. JOHNSON. The property only contributes a part of the expenses, does it?

Mr. FITZGERALD. In some instances, and in some instances all of it.

Mr. JOHNSON. These calculations are made by the engineer,

and what you call in this bill the "special board" does the clerical work.

Mr. FITZGERALD. The engineer's office estimates the cost of the work, and this office distributes that cost in the form of assessment on the different pieces of property included in that area.

The Clerk read as follows:

For surveyor's office: For surveyor, \$3,000; assistant surveyor, \$1,800; clerk, \$1,500; two assistant engineers, at \$1,500 each; computer, \$1,200; record clerk, \$1,050; inspector, \$975; draftsman, \$975; clerk, \$975; draftsman, \$900; assistant computer, \$825; two rodmen, at \$825 each; three chainmen, at \$700 each; two chainmen, at \$650 each; clerk, \$675; charwoman, \$104; in all, \$22,020.

Mr. CRUMPACKER. Mr. Chairman, I move to strike out the last word. I was impressed somewhat by some of the criticisms made by the gentleman from Nebraska [Mr. NORRIS] and the gentleman from South Carolina [Mr. JOHNSON] in relation to the apparent distribution of officials provided for in a sort of promiscuous manner through this bill. It would seem to me now that the surveyor's office could properly and economically be combined with the engineer's office. Without knowing the reasons for it, I am impressed with the notion that we have too many offices. Each officer, the head of each municipal subdivision, must be supplied with his staff of clerks and his messengers and his charwomen. The engineer's office is provided with clerks, chief clerks, draftsmen, rodmen, and chainmen, and the surveyor's office is provided with its messengers and its draftsmen and its rodmen and its chainmen, and the probability is that these chainmen and rodmen and draftsmen may not be engaged all the time. If there be not work enough in the engineer's office for the force there, they will probably be idle, and if there be not work enough in this surveyor's office for the force provided for that office, they may be idle part of the time. It has seemed to me that the draftsmen could do the work for both offices indiscriminately, and the rodmen and the chainmen and the messengers might do the same thing, and they might logically be included in the same office, under the same general control. It occurs to me that expense might be saved by doing it. It may be that I do not understand the situation. It may be that they are all included in the same office and under the same general control and management now. If they are, the surveyor's work or the engineering work may be done by the detailing of rodmen or chainmen from the general force promiscuously under the engineer or the surveyor, as the case may be. The service of the chainmen or the rodmen, whether working for the engineer or the surveyor, in the popular understanding of this term, is just the same; there is no difference; but I have wondered why these officers are provided for in this separate manner. I would ask the gentleman from Massachusetts who has charge of the bill if it is practicable to combine them and possibly save something, or if they are already combined?

Mr. GILLET. Mr. Chairman, I thoroughly agree with the principle which the gentleman enunciates, but of course the gentleman will understand that it is beyond the power of this committee to make the change he suggests, and therefore we have never considered it, because this surveyor's office is a statutory office and we can not change it. Perhaps I should stop there, inasmuch as we have no jurisdiction. But there is also this distinction: Whatever general principle would apply in this particular case I do not know, because, as I say, it is not our function or province, and we have not therefore considered it; but there is this distinction between the engineer's and the surveyor's office, that in the surveyor's office all the work is paid by fees and reverts back into the Treasury, because private parties are the ones for whom the work is done, whereas, of course, in the engineer's office it does not. That makes quite a distinction between the two offices, but whether that is sufficient to justify it I do not know. It is a special statutory office and we can not therefore combine them.

Mr. CRUMPACKER. If, therefore, there should not be revenue enough from the fees to pay the officers in the surveyor's office, of course they would have to be paid out of the public fund.

Mr. GILLET. Certainly; we pay them first.

Mr. CRUMPACKER. That is a resource of the city, and the Government appropriates and pays absolutely these assistants.

Mr. GILLET. Certainly.

Mr. CRUMPACKER. I wondered if a provision could not be incorporated in the bill to appropriate for the rodmen for the engineer's office alone, enough to do the work for the two, and draftsmen and chainmen, and provide that they shall also be subject to detail to do work in the surveyor's office as well as the engineer's office whenever it may be necessary. It seems to me that it is very unbusinesslike to cut up the work in this fashion.

Mr. FITZGERALD. Will the gentleman yield for a question? Mr. CRUMPACKER. Yes.

Mr. FITZGERALD. Does the gentleman believe that it would be possible to provide for a certain number of messengers and have them detailed in the House and in the Senate as the service would require?

Mr. CRUMPACKER. My judgment is that these two offices should be combined into one and occupy the same quarters and have the same general messengers that may be detailed for any division or for service in any division in the general office, and the chainmen and the rodmen and the draftsmen subject to the same kind of service and detail; but if there are independent establishments, if they are separated—and that is the criticism that I make, that it is unnecessarily expensive to have the business conducted in that way, that it would be much more economical and businesslike for the two offices to be combined into one, so that one set of messengers, with perhaps a few additions, and one set of draftsmen, with probably one or two more than one office has now, and one set of chainmen, and one set of rodmen might do the work for both branches.

Mr. FITZGERALD. The fact is that chainmen and rodmen in all of these offices have all of the work they can possibly do. These divisions into these different offices are simply for the purpose of facilitating the work and of keeping better track of it. It would be utterly impossible for one man to supervise all of this work, and it is divided according to its nature into separate bureaus.

Mr. CRUMPACKER. Bureaus of engineering work.

Mr. GILLET. There is one other suggestion I would make to the gentleman. This is not our province, but belongs to the District of Columbia Committee, but I will say this: This surveyor is a bonded officer, and he is responsible for any mistakes of the subordinates. He recently had to pay quite a large sum for one, and therefore he would claim that he would want his own subordinates and absolute control over them if he is responsible for their mistakes. It seems to me, in this particular case, it would be a good answer, although we can not do it anyway.

Mr. CRUMPACKER. I do not see any reason why the surveyor should be responsible for the mistakes of his subalterns and the engineer not.

Mr. GILLET. That is the way the law makes it.

Mr. CRUMPACKER. The difficulty doubtless is in the law, but I do not believe any business man charged with conducting the affairs of a city on business principles would have the work segregated or divided up in any such fashion as this.

Mr. FITZGERALD. I think the gentleman is mistaken about that. I think this work naturally must be divided into those different divisions. For instance, the sewer department requires an engineering force, which is constantly engaged in planning sewers and fixing grades for sewers. Another force is continually employed on the streets; another force in connection with bridges; and these forces do their work much more efficiently by being confined continuously to the particular character of work than if they were continuously shifted from one branch to another.

Mr. CRUMPACKER. I agree with the gentleman in that respect, but in my opinion it would be better to put this whole business into the engineering department, and where messengers, draftsmen, chainmen, and rodmen are provided for they may do work under either branch of the service, but they may be provided for generally for the department, but the department may have its divisions and have men who are peculiarly suited or adapted to the work along particular lines, just the same as Departments of the Government have one general control, and save in expenses in the line of messengers, draftsmen, chainmen, rodmen, etc.

Mr. FITZGERALD. The gentleman would not save anything. For instance, the engineer office has a great many divisions. It has a sewer department, it has a bridge department, it has a street department, it has a county-road department, all under a commissioner.

Mr. CRUMPACKER. Now, ought not the surveyor's work to be a department in the engineer's division?

Mr. FITZGERALD. Not necessarily.

Mr. CRUMPACKER. It is a branch of engineering and it involves a good deal of the same kind of work the engineer has to do in other branches of municipal activity. My criticism is that the surveyor's office ought to be a department in the engineer bureau of municipal administration.

Mr. FITZGERALD. That question should be determined in the framing of the organic act of the District.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

Free public library: For librarian, \$3,000; assistant librarian, \$1,200; children's librarian, \$1,000; reference librarian, \$1,000; assistant, \$900; four assistants, at \$720 each; four assistants, at \$600 each; three assistants, at \$540 each; copyist, \$480; cataloguer, \$900; cataloguer, \$720; cataloguer, \$600; three temporary cataloguers, at \$540 each; stenographer and typewriter, \$720; one assistant, \$480; five attendants, at \$480 each; five attendants, at \$360 each; collator, \$360; two messengers, at \$360 each; ten pages, at \$360 each; two janitors, at \$480 each, one of whom shall act as a night watchman; engineer, \$900; fireman, \$720; workman, \$480; two cloakroom attendants, at \$360 each; six charwomen, at \$180 each; in all, \$33,260.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word for the purpose of inquiring of the gentleman in charge of the bill in reference to this appropriation for the purchase of books. It seems to me that for the purchase of books for the public library of the city of Washington an appropriation of \$7,500 is very small. Here is a library the expense of which is forty or fifty thousand dollars a year.

Mr. GILLETT. The gentleman will recognize this is an increase over the appropriations which have been made for a number of years. The appropriation was \$5,000, and last year we raised it to \$7,500, and we have continued the same this year.

Mr. PERKINS. The entire expense of running the library is \$50,000, is it not?

Mr. GILLETT. I can not tell you exactly. Oh, no; it is about \$30,000.

Mr. PERKINS. I think not. The first appropriation is \$33,000; then there is \$1,700, and then there is a lot of other expenses, amounting altogether very close to \$50,000, apart from books.

Mr. GILLETT. Oh, yes; down below.

Mr. PERKINS. The entire appropriation is about \$50,000, and 15 per cent for books seems a pretty small amount.

Mr. GILLETT. You mean including this?

Mr. PERKINS. Yes.

Mr. GILLETT. The gentleman means the amount for books, in proportion to amount for running the library, is small?

Mr. PERKINS. Seven thousand five hundred dollars of an entire expense of \$55,000 seems small.

Mr. GILLETT. They have got, of course, a large amount of books on hand. The running expenses, of course, should be compared with that and not with what we buy each year.

Mr. PERKINS. That is true. Is this sum regarded as satisfactory by the people in charge of the library?

Mr. GILLETT. No; I think the library would like very much more, and of course we should all like a great deal more. You have got to draw the line somewhere, however, and the question is where you will draw it. We drew it at \$7,500.

Mr. PERKINS. Does not the gentleman think that in a very rich city of 300,000 people, where the entire budget is—what is the entire budget for the city?

Mr. GILLETT. Ten millions of dollars.

Mr. PERKINS. Ten millions of dollars. Does not the gentleman think that \$7,500 for books is a very small amount?

Mr. GILLETT. I am inclined to think it is rather small, but, as I say, we have got to draw the line somewhere, and I think that is a reasonable amount. It is more than we gave for a number of years. The library is pretty well supplied with books, and it is very useful.

Mr. PERKINS. But out of this they have to buy the current magazines and papers, do they not?

Mr. GILLETT. Yes.

Mr. PERKINS. That must take a very large part of it.

Mr. GILLETT. A very small part of it.

Mr. PERKINS. Do they have all of the magazines?

Mr. GILLETT. I do not know whether or not they buy all of the magazines. But certainly it is a very small portion of it.

Mr. GARDNER of Michigan. I will suggest, Mr. Chairman, that we have, in addition to this, the Congressional Library, to which the public has access.

Mr. PERKINS. That is not a circulating library.

Mr. GARDNER of Michigan. Then we have, in addition to this, circulating libraries in the high schools, where the magazines can be obtained, or large numbers of them. We have, in addition to this, libraries in many of the Departments. So that when the gentleman limits it to \$7,500 to a city of 300,000 it is hardly a fair statement.

Mr. PERKINS. But the libraries in the Departments are of no value to the public.

Mr. GARDNER of Michigan. Only as those who read them are a part of the public.

Mr. PERKINS. Yes; but those are special libraries. It does seem to me that a proper supply of books is quite as valuable as a proper supply of gas or electricity or other articles, and the amount allowed is a small sum on a very large budget.

Mr. FITZGERALD. How much does the gentleman believe should be spent a year for books?

Mr. PERKINS. I am not familiar with the library, but I know enough to know that \$7,500 does not go very far in buying books and magazines.

Mr. FITZGERALD. Well, they spent about \$14,000 for that purpose last year. This appropriation is augmented by the use of what is known as "fine" money that has accumulated by charging for withholding books beyond a certain length of time, and this year there will be available, instead of \$7,500, ten or twelve thousand dollars.

Mr. PERKINS. If the appropriation is \$17,000 instead of \$7,500, that is very much better.

Mr. FITZGERALD. It is not really that, but there is each year a sum in addition to the appropriation available for this use.

Mr. PERKINS. I think that an allowance for a great city like this of \$15,000 for the purchase of books is certainly moderate. If from another source enough money is obtained to make it \$15,000, that makes the appropriation better than it appears on the face of it. While I commend economy, I do not think the committee should be too economical in reference to furnishing profitable literature for the use of the citizens of the city.

Mr. FITZGERALD. I take it that the gentleman would be inclined to criticize the committee if it merely accepted the recommendations of those who have charge of the public library and appropriated all they asked.

Mr. PERKINS. That depends entirely upon whether the committee thought their recommendations were right. The recommendation may be a just one.

Mr. FITZGERALD. Well, speaking for myself and the other members of the committee, the committee appropriated all that they thought advisable to appropriate under the particular circumstances at this particular time.

The Clerk read as follows:

Toward the construction of fountains, lamp-posts, and other structures on the plaza in front of the new union railroad station, in accordance with plans to be approved by the Commissioners of the District of Columbia, \$50,000, said sum to be expended under the provisions of existing law regarding the elimination of grade crossings and appropriations made therefor: *Provided*, That the total cost to the United States and the District of Columbia shall not exceed \$100,000: *And provided further*, That the Washington Terminal Company, its successors or assigns, shall defray the cost of so much of these constructions as lie within the limits of its present property north of Massachusetts avenue.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill, who certainly exercised commendable prudence in reference to the purchase of books, how this \$150,000 is to be expended. I see a large part of it is for fountains and lamp-posts. That sounds high on the face of it.

Mr. GILLETT. It is for the decoration of the new plaza to the Union Station. One hundred and fifty thousand dollars is to be expended in all, part of it for putting up fountains, etc. It is a very large tract of land, consisting of a number of acres.

Mr. PERKINS. How is that \$150,000 to be spent? What work is to be done?

Mr. GILLETT. We were shown the projected plans, although they have not yet been finally determined upon by the architects of the Union Station.

Mr. PERKINS. How much of it for fountains?

Mr. GILLETT. I do not know.

Mr. PERKINS. How much for lamp-posts?

Mr. GILLETT. I can not tell—a small proportion. Of course the gentleman understands the plaza is a very large expanse of ground, and it has to be made ornamental and in keeping with the Union Station. We were told that \$150,000 was necessary to put it in proper shape.

Mr. PERKINS. Does not the gentleman think that is a pretty large expenditure for ornamenting the ground about a railroad station?

Mr. GILLETT. It did not strike us so.

Mr. PERKINS. I do not think I am quite educated up to the gentleman's views on that point.

Mr. GILLETT. It is part of a general plan. That is not new, but is part of the general project that has been in progress for years to complete a union station at the junction of the railroads.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

Opening alleys and minor streets: For opening, widening, and extending alleys and minor streets in the District of Columbia, under the provisions of the Code of Law for the District of Columbia, \$50,000, to be paid wholly from the revenues of the District of Columbia, and this sum, together with any balance of appropriations heretofore made

for said purpose, shall be available for use in opening, widening, extending, and straightening alleys and minor streets under the provisions of the Code of Law for the District of Columbia; said appropriation to be reimbursed by payment of assessments for benefits to be made under the provisions of said Code; and the Commissioners of said District are hereby authorized to employ, for such time as may be necessary, an assistant to the corporation counsel, at a compensation of \$150 per month, payable from said appropriation, whose duty it shall be to institute and conduct proceedings for the condemnations necessary to be taken in opening, widening, extending, and straightening alleys and minor streets; and the clause contained in the District of Columbia appropriation act, approved June 27, 1906, requiring that the compensation of an assistant to the corporation counsel, provided for in the appropriation for opening alleys and minor streets, shall be included in the costs and expenses of the proceedings instituted for the condemnations necessary to be taken for the opening, widening, extending, and straightening alleys and minor streets and shall be assessed against lands benefited by reason of such opening, extension, widening, and straightening, as provided in section 1608 of said Code of Law, is hereby repealed.

Mr. JOHNSON. Mr. Chairman, I reserve the point of order against this paragraph, which is new legislation. I do not know whether it ought to be made or not, but will ask the gentleman for an explanation of it.

Mr. GILLET. I recognize that it is subject to the point of order.

The CHAIRMAN. Does the gentleman reserve the point of order or make the point of order?

Mr. JOHNSON. I reserve the point of order.

Mr. GILLET. I think the gentleman on an explanation will withdraw his point of order, because this committee have not intended to put anything in the bill subject to a point of order which we did not think would meet the entire concurrence of the House. Besides this clause there are some minor matters, but they are all of too slight importance for a special bill and are for the advantage of good administration. This was put in for this reason. The law at present provides that the expenses of the assistant to the corporation counsel shall be assessed against the improvement. When the assessment is made his expenses go in as a part of the assessment. Then there is very apt to be an appeal from the decisions. If that is so there can be no further assessment for his expenses, and so there is nobody left to try the case. He would not get any compensation for trying it, for the assessment has already been made and can not be changed. Of course somebody ought to try it who knows about the facts, and there is nobody else whose function it is to do so; and the result is another person has to study the case up in the corporation counsel's office and argue the case on appeal. We did not see any method to obviate that if we still kept the law that the assistant should be paid out of the assessment. We concluded that the salary of \$150 a month for work on opening streets and alleys, etc., is really a public purpose, one that the city might very well be called upon to pay for its own advantage; and we concluded inasmuch as this difficulty had arisen out of the method in which the assistant corporation counsel was paid the best way was to repeal the law, and instead of assessing it, pay him \$150 a month out of the city treasury.

Mr. JOHNSON. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

In all, \$121,400.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill upon what basis or theory these authorizations of improvement are made?

Mr. GILLET. The recommendations were made to us by the Commissioners, of certain streets which needed improvement. We personally went and inspected each street, and we made the appropriations according to what we thought were the relative merits of the different streets.

Mr. HEPBURN. Has it not been the custom heretofore to authorize the Commissioners to make a report as to those streets that, in their judgment, ought to be improved, and appropriations were then made, authorizing them to select those that they regarded as most essential from that list?

Mr. GILLET. I think the gentleman is confusing the streets in the city, as it is called, that is within Florida avenue, and what are called the county roads. There used to be that distinction, although now there is no reason for it, because the territory beyond Florida avenue is just as much a part of the city in many directions as that inside. The old habit still continues, although the reason has ceased, of making a recommendation for the streets in the city in the way the gentleman suggests, by schedule, and making recommendations for those streets which we are now considering, the county roads, by name; and this committee, as I say, visited all the streets and passed upon them according to their merits.

The CHAIRMAN. If there be no objection, the pro forma

amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Repairs streets, avenues, and alleys: For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to concrete pavements with the same or other not inferior material, \$300,000; and this appropriation shall be available for repairing the pavements of street railways when necessary; the amounts thus expended shall be collected from such railroad company as provided by section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected.

Mr. HEPBURN. Mr. Chairman, I move to amend line 15, on page 27, by striking out "three" and inserting "five."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 15, page 27, strike out "three" and insert "five;" so that it will read "five hundred thousand dollars."

Mr. HEPBURN. Mr. Chairman, I do not believe that there is any provision in this bill that affects more the comfort and convenience of the people of this city than this provision. There is no good reason that I know of why the streets of this city should not be in perfect condition, or as nearly perfect as it is possible for streets to be. Yet I think there is no one who will insist for a moment that they are in that condition. Very many of them are in a deplorable condition. It ought not to be so, and would not be so if appropriations were ample and if they were properly expended. You can scarcely find in this whole city, with its more than a hundred miles of paved streets, a continuous half mile that furnishes a proper and comfortable roadbed for a drive. The streets are out of repair. I do not know of one in the city, and I am familiar with a good many of them, that any competent judge would say was in a proper condition of repair. Whether it comes from the unduly rapid deterioration of the streets, growing out of the fact of improper material being used and improper inspection, the fact remains that the streets are not as they should be. Somebody is responsible for it. This responsibility either rests upon those who should make ample appropriations, or it rests upon those who ought properly to use the appropriations that are made. One of the two must be the truth, because the proof of the condition of the streets is presented to the observation of every man who rides over them. They ought to be better.

Now, I am told by the gentleman who has this bill in charge that the committee have recommended the full estimate. If that is true, then the responsibility rests upon the Commissioners of this city, and they are the ones who ought to be held up to public reprobation for the condition of the streets. I for one want to record my reprobation now against the condition of the streets. You can not find, even upon Pennsylvania avenue, the street that ought to be the most beautiful and perfect highway in the United States, or the world, a half dozen rods over which you can ride without dodging the chuck holes that are in it and ought not to be in it. What I say about that street is equally true with reference to almost every other street in this city. I would be glad if this House in some way or other would express its ideas upon this condition, and bring these gentlemen who are responsible to a realizing sense of the inefficient manner in which they discharge grave public duties.

Mr. Chairman, this condition can not exist from a want of funds. It may be that we do not collect enough, but there is within the limits of this city, subject to appraisal and taxation, an ample aggregate of wealth to furnish abundant means to carry on every one of these improvements. That suggests, perhaps, the thought that in some way or other this possibility of raising ample funds is not properly utilized. I have heard complaints many and many a time of the undervaluation of the property of the people of the town for taxable purposes. The property of the United States (if we may say that in the contribution of 50 per cent we are paying taxes on it) certainly pays its full share. But not so with the great bulk of property of private ownership. Some days ago I saw in one of the newspapers of this city a statement of recent sales of property. In some of them the sums for which the property was sold were given. I recognize the fact that probably that is not the most reliable way to ascertain values.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BENNET of New York. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended ten minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Iowa be extended ten minutes. Is there objection?

There was no objection.

Mr. HEPBURN. I say, Mr. Chairman, that that is not the most reliable possible source, perhaps, for information. I can

conceive it possible that a real-estate man might somewhat exaggerate that which he had done in the line of his business. Real-estate men often have peculiar qualities. I am not sure but that there must be a marked departure from the equipment of the ordinary man in order to fit one for the higher ranks in this particular vocation. I have sometimes thought that the real-estate man must have an exuberant fancy, a robust imagination, and he must have his moral nature somewhat depleted of those qualities that would rank higher in church estimation. [Laughter.] He must have great activity, he must have a vocabulary of remarkable character, and must have great adjectival speech. He must also have a wonderful capacity for inexactitude in his statements. But, notwithstanding that, I have thought this matter of sufficient importance to make a list of those sales in which the price was given, and send that paper to the assessing force of this city and ask them to set opposite to each tract the assessments of that particular tract.

The assessor was exceedingly courteous to me. He has complied with my request, and I have here some statements. I do not care to name the salesmen; I do not care to name the persons that are named in this paper. But I find in what I have here as item No. 1 a particular piece of property said by those salesmen to have been sold for \$315,000. The assessment on that property for 1905 and 1906 was \$103,439, less than one-third of its alleged value.

Another piece said to have been sold for \$350,000 was assessed at \$94,000 and a fraction. Another piece said to have been sold at \$190,000 was assessed at \$67,000. Another piece said to have been sold at \$275,000 was assessed at \$75,000 and a fraction. Another, sold at \$300,000, was assessed at \$92,000. One, sold at \$50,000, was assessed at \$19,000. One sold at \$45,000 was assessed at \$26,000. Another, sold at \$100,000, was assessed at nearly \$30,000. And so the list goes on until you reach the less valuable property. I find one said to have been sold at \$10,000 assessed at \$11,846. Another, sold at \$6,250, was assessed at \$4,140. One sold at \$6,375 was assessed at \$4,270. One sold at \$6,000 was assessed at \$5,589. One sold at \$10,000 was assessed at \$5,589, and so on, showing that in the more valuable property, that which runs up into the hundred thousands, or approaching one hundred thousand, a wonderful discrepancy in the valuation at which it is said this property was sold and that fixed by the assessors of this District.

Now, it is right that I should say here that the assessor who has been so courteous to me says in many instances he believes the statement of sale is an exaggeration; that as matter of fact the property has not been sold for these sums. That is a question of veracity between these gentlemen, and, as I am not the arbiter, I have nothing to say about it.

I am using these statements on the supposition that reputable men, engaged in a reputable business in this city, would not in the mere attempt at braggadocio, or in the advertisement of their capacity to do business, mislead or make misstatements to the public in a newspaper in regard to the valuation that they must know would be contradicted by a superior knowledge, or an equal knowledge, that is possessed by a great many people.

And it is further right that I should say here, in justice to the assessors, that in the statement they make to me they show that in assessments that are now in process of making for the future there is a great increase in value; that in some instances the valuation that they have used, or are about to use, exceed by nearly 100 per cent that that was made by them for the years 1905 and 1906.

Where there are these great discrepancies, discrepancies between the statement of sales and the assessments as given to us for the years last passed, there is room for doubt as to whether we have the best system here, and where there is such wonderful discrepancy between the assessments of last year and those of next year or this year there is further food for reflection.

Mr. Chairman, I want again to get back to the subject about which I began to speak. I do hope that this House will do something in the way of ameliorating the condition that we find existing here relative to these streets. It is not because we have not the money; certainly it is not because we might not have the money if proper assessments are made. Therefore I ask the House to vote this amendment, and to put into the hands of the proper authorities such a sum that they can not in future hide behind the claim of parsimony upon the part of Congress. Give them such sums as will enable them beyond all peradventure to do their duty. I ought to have said in my criticism that I have made with regard to these gentlemen that perhaps it is possible for them to say that they would have done better if they could, that the streets would have been repaired if they had the means, and that the comfort of the people of this city who have to use these streets might have been conserved

if it had not been for an unwholesome desire on the part of the Committee on Appropriations to make an extraordinary record.

Mr. GILLET. Mr. Chairman, with the greater part of what the gentleman from Iowa [Mr. HEPBURN] has said I have no controversy. I agree with him heartily that we ought to have a larger income from our taxes. I would go further than he. I think we not only fail to get by assessment what we ought to have, but that our system of taxation is inadequate, and that real estate, at least, is not taxed nearly as much as it should be, compared with taxation in other cities. But that, of course, is something that is not within the jurisdiction of this committee, and therefore is not anything with which we can deal now.

Coming to the point which the gentleman makes of increasing this appropriation from \$300,000 to \$500,000 for streets, I will not undertake to defend the streets of Washington or the expenditures in that line of the Commissioners, who have charge of them; but I think there can be no question that the gentleman has very much exaggerated their condition. He says there is not half a mile of good continuous pavement in the city.

I took occasion last spring, when I was first appointed on this committee, to go over nearly all the streets of the city, and there is many a stretch of half a mile of beautiful, practically perfect pavement. But I will agree with him that there are a great many stretches of wretched pavement which ought to be completed; and, by the way, Pennsylvania avenue, to which he refers, is to be half of it completed under the appropriation of this year and half of it under the appropriation of next year. So that is already provided for without any increase. Last year when this committee took up this question of streets we recognized the danger and the defects which the gentleman speaks of. Up to that time the largest sum which had ever been appropriated for streets was \$200,000. We gave them last year \$300,000, the full amount of their estimate, and this year again we have given them the full sum of \$300,000, again the full sum for which they have asked.

Mr. HEPBURN. Will the gentleman permit a question?

Mr. GILLET. Yes.

Mr. HEPBURN. Does the gentleman, when he makes reference to the estimate of the Commission, believe that that was the sum they ought to have had, in their judgment, or that that was the sum that they thought could possibly be corkscrewed from the committee?

Mr. GILLET. Well, that is a matter of speculation. The gentleman can guess the intent of the Commissioners as well as I can. I can not speak as to that, but we did last year give them half as much again as they had ever been given by Congress before that, and we have given them this year the same full amount of \$300,000. I believe that the amount of \$300,000, which has been given this year, and \$300,000, which we are giving next year, will go very far toward putting the streets in as good condition as we could reasonably demand; that that is an ample annual amount to keep them up; that if we had had in the past that sum they would not now be subject to the just criticism that has been made of them. We thought we were giving them an ample sum when we gave half as much more as ever had been given before, and it seems to me it is sufficient and proper, and I hope the amendment of the gentleman will not be adopted. Whether the Commissioners can economically spend as much as that I do not know. They have never suggested that they could use a larger sum than we appropriated last year and than they asked for this year.

Mr. GROSVENOR. Mr. Chairman, I can scarcely understand how it has been possible for the condition of things that has existed in this city to have been maintained under an economic and intelligent expenditure of so large a sum of money upon the streets of Washington. Year after year this complaint has been made, possibly not with the same emphasis that has been used by the gentleman from Iowa [Mr. HEPBURN]. Year after year we are assured that money enough is now being appropriated for the purpose of putting the streets in some sort of respectable condition, and yet year after year we find exactly the same condition of things, and, indeed, this year growing worse than last year.

Where the money goes to I am sure I do not know. That it is liberally appropriated the gentleman from Massachusetts says, and I have no doubt he is right about that, but what becomes of it? Where does it go? Now, you may start from the southeast front of the Capitol and pursue your way to Fourteenth street by any one of the streets, and you find exactly the same condition everywhere that is described by the gentleman from Iowa. How is this money expended? Does the Committee on District Expenditures here understand how that money is expended? Inspecting the streets is not going to do any good. I take it these Commissioners inspect the streets, but nothing

comes of their inspection except the sad condition we have here now in the great streets of this city. The street upon which every visitor from our own country and every visitor from foreign countries travels and looks about him is a disgrace. The common villages of the country—a village with five, six, eight, or ten thousand people—have better streets and sounder streets and safer streets than has the city of Washington.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Wisconsin?

Mr. GROSVENOR. Certainly.

Mr. COOPER of Wisconsin. The gentleman from Ohio is familiar with District matters, and I would like to ask the gentleman this question: Is there any committee of Congress in either House or any officer of the Government which audits any account of the District Commissioners or makes a specific report to Congress?

Mr. GROSVENOR. Mr. Chairman, I can not answer that question. I never have served on the District Committee of the House. I do not know of any place where any such reports come.

Mr. COOPER of Wisconsin. Is it the gentleman's understanding of the situation that Congress makes appropriations of millions of dollars toward the government of this District, and that money is expended, and this expenditure is not audited by any committee of Congress or examined into or reported about to Congress?

Mr. GROSVENOR. I think I can safely say it is not audited by any committee of Congress. I imagine, as a matter of course, the subcommittee of the great Committee on Appropriations looks into the expenditures made by the District Commissioners, but to what extent they audit the accounts in the true meaning of that term I can not say.

Mr. COOPER of Wisconsin. Does not the gentleman think, as a public man of wide experience, that there ought to be the closest and most critical examination by somebody of the accounts?

Mr. GROSVENOR. Most certainly there ought to be; and if it is done at some other bureau of the Government, if it is done by the Auditor of the Treasury, then this committee certainly ought to have the benefit of the action of the Auditor of the Treasury. At any rate I think there ought to be some better system of the expenditure of this money, because I do not believe it goes to the right direction economically. I do not intimate that there is anything wrong about it except inefficiency and incompetency, but I should like to see the Commission of the District of Columbia made up of thorough business men, men of experience in the expenditure of money. We have what is called an Engineer Commissioner. Well, we all know that you may have an engineer trained to the details of his profession, and he may have not the slightest knowledge of business transactions whatever. I do not say that the present member is such. A man may be a splendid newspaper or magazine writer and be an admirable citizen of the country, and yet be totally incapable of administering the affairs of a District like this; and then a man may be a genial, pleasant, speech-making gentleman, entertaining the people of the country, and not know how to build and maintain an alleyway between two houses, and I would like to see some system of these expenditures that would show on the streets. [Applause.]

Mr. FITZGERALD. Mr. Chairman, much that has been said about the conditions of the streets of this city is true, but there is one thing that should be stated in connection with the criticism that goes far to explain the wretched condition in which some of the pavements have fallen. In the lists of streets which were to be repaired, submitted by the Commissioners, it appeared that out of fourteen streets the pavements of five were laid between 1872 and 1880, six between 1880 and 1890, and three between 1890 and 1895. In another list of streets of sixty-seven the pavements in twenty-two of those streets were laid between 1870 and 1880; the pavements in thirty-eight were laid between 1880 and 1890, and the pavements in seven between 1890 and 1895. No pavement has been laid for a shorter period than eleven years. From my knowledge of the paving of streets gained from my own locality, I know that at one time in laying asphalt pavement it was customary for the contractors to give a guaranty of ten years.

Of recent years the streets have been laid with a guaranty of five years. The fact is, that in the city of Washington a great number of pavements have been laid at least fifteen years, and many of them as long as thirty years. The result is that to-day the pavements deteriorate very rapidly. As the chairman of the committee has stated, both in this bill and in the bill for the current year the committee gave all that the Com-

missioners asked for this purpose. My recollection is that the Engineer Commissioner stated that they could use more than the \$300,000, but they asked \$300,000 because that was a sum that could be economically and advantageously used during the year; and they did not ask more for this purpose, perhaps, because they desired large appropriations for some other purposes. The streets of the city will continue in somewhat of a deplorable condition unless, for many years to come at least, equally large appropriations are made as are made in this bill. As these pavements get older they require more repairs. Last year it was suggested that the money that was being expended in patching Pennsylvania avenue was not economically expended, and as a result of that suggestion the entire avenue is to be resurfaced at a cost of \$115,000.

I am inclined to sympathize with the position of the gentleman from Iowa [Mr. HEPBURN]. I believe that the streets of this city should be kept in as good condition as possible. Gentlemen will recollect that in the last session there was before the House a bill to compel the use of larger tires upon some of the heavy vehicles in the District. That bill was not enacted into law, but it was pressed upon the request of the Commissioners because they said that by reason of the excessive heat in the District at certain times of the year the pavements became so soft that the narrow tires used by the vehicles carrying excessive weights badly cut the pavements. I am not in favor of an extravagant administration in the District, but I do believe that sufficient money should be given to economically administer the government, and at the same time to make this city the most attractive city in the entire country. I feel as does my colleague on the committee, that the committee has done everything that it could by making a searching inquiry of the Commissioners regarding the condition of the streets and giving every dollar they ask for that purpose both this year and the last.

The CHAIRMAN. The time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, I note that on pages 25 and 26 of the bill, in providing for the paving of certain streets, the width of the street is fixed. I would like to ask the chairman in charge of the bill whether the widths fixed in these several clauses is the established widths of the streets, or whether or not the widths that are stated in this bill refix the widths of the streets.

Mr. GILLET. I would like to have the gentleman repeat the question.

Mr. CAMPBELL of Kansas. I just asked whether or not the widths fixed in the several sections, on pages 25 and 26 of the bill, are widths as fixed some time heretofore, or whether or not these widths are fixed by this bill, establishing new widths of the streets?

Mr. GILLET. Does not the gentleman think that it would be well first to dispose of the amendment before the House, when I will be pleased to answer the question?

Mr. CAMPBELL of Kansas. I took it up because we were on the question of street discussions generally, and did not know the nature of the amendment, not having been in my seat at the time the amendment was made.

Mr. GILLET. If the gentleman will wait until the amendment is disposed of, then I will be glad to answer his question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. HEPBURN].

Mr. GARDNER of Michigan. Mr. Chairman, there is much of truth in what the gentleman from Iowa [Mr. HEPBURN] says in regard to the condition of the streets, and yet I hope that the amendment offered by him will not prevail. The condition in which the streets are found at this time has been well explained by the gentleman from New York [Mr. FITZGERALD], but that is not all. The committee has allowed all the money, unless you revise the bill at other points, which the revenues will allow this year.

The gentleman asks why the streets are in their present condition with so much revenue, and what has been done with the money. It is known by gentlemen of the House that during these recent years there has been built the Connecticut Avenue Bridge, involving an expenditure of a million of dollars in round numbers; that there has been laid a very expensive and complete system of sewers and a sewage-disposal plant, involving a very large outlay; that there has been put in an expensive filtration plant of very great value to all the residents of the city. These are some of what may be termed "extraordinary expenses." They have eaten up a large part of the current revenues of the city, and for the time being the streets have, in part at least, been neglected. But as the projects named have been completed, or are approaching completion, you will observe that the appropriation for the improvement of the streets has been increased 100 per cent over that given in previous years.

There is no reason why that per cent of improvement, so far as past appropriations are concerned, should not be continued and possibly advanced upon.

But I would ask the gentleman from Iowa to take note of this: Under a law enacted by Congress the city has to pay between now and the 1st of July, five years hence, \$3,100,000 of debt already incurred. The money was borrowed from the Government, and under a law of Congress it must be returned to the Government out of the current revenues on or before July 1, 1912. Now, if we appropriate this \$200,000 and go on at that rate in this bill, not only will we not be able the ensuing year to pay one dollar of that \$3,000,000, but we will leave the District with an additional debt for current expenses. For this reason, not that the streets do not need it, but that the revenues will not allow this great additional expenditure, do I hope the amendment will not prevail.

The gentleman from Iowa is right, as it seems to me, in this, that the revenues derived from this city of 300,000 people are not in proportion to the wealth, real and personal, of the city. There lies the difficulty. The Government is doing its part. No one questions that. It is a question as to whether or not the city is doing its full duty. But that does not meet the condition in the instance that the gentleman from Iowa has in mind. That waits another year; but in the meantime—and I want to state it again—we have given twice as much as we have given for some years and all that the Commissioners asked for the improvement of the streets the coming year.

Mr. HEPBURN. Mr. Chairman, if the committee will indulge me a moment, there are two objections raised by members of the committee to the adoption of the amendment that I have offered. One is that the Commissioners do not ask for more. Why the Commissioners did not ask for more I do not know, for I am satisfied that the Commissioners must have known of the conditions that exist, and the gentleman from New York told us that the one who speaks authoritatively upon questions of this kind said that they could use economically and properly a larger sum than that which they had asked for.

Now, Mr. Chairman, I think that is the basis of measurement that the committee ought to have adopted in fixing the minimum of this appropriation. That is what they should have had. I do not know what their experiences have been heretofore when they asked for an increase. I do not know what discouragements they have met when they have asked for more money. I do not know what fears they may have had of rebuff and of criticism on the part of members of the committee that might deter them, perhaps, from asking for that sum that they could judiciously use in remedying an evil that they must see, must know, must recognize—that is, the horrid condition of the streets.

Now, Mr. Chairman, it does not seem to me that that is an argument against the propriety—yea, necessity—of making this proper appropriation. If the evil exists—and no man doubts it—if it can be remedied, if the Engineer Commissioner says that he could properly expend the sum, then why not furnish them the means with which they can restore the streets to such a condition that they will not be a byword and a sneer and a reproach to the decent appearance of the city.

Mr. GARDNER of Michigan. Mr. Chairman, may I interrupt the gentleman?

Mr. HEPBURN. I yield.

Mr. GARDNER of Michigan. Under the gentleman's line of argument you could run this bill up to \$15,000,000 precisely. You could have a million dollars for public school buildings, if you granted—simply to illustrate—all that was asked or all that they said they could properly use.

Mr. HEPBURN. I believed I was yielding to the gentleman for a question.

Mr. GARDNER of Michigan. Well, I beg your pardon. I wanted to make myself clear to you.

Mr. HEPBURN. You always do; but I would rather you would do it in your own time.

Mr. Chairman, I think that disposes of one objection—that they have not asked for more. The other objection is that if this appropriation should be increased the debt due to the Government of the United States in five years will not be paid. To my mind, Mr. Chairman, that is a consideration scarcely worthy of attention. What difference does it make to the United States whether the sums advanced are returned to the Treasury of the United States in 1912 or 1920. Not a whit; nothing in comparison with the reproach that is brought upon the Congress of the United States where it is held responsible for the condition of the streets of this city.

Mr. GARDNER of Michigan. Mr. Chairman—

Mr. HEPBURN. I yield for a question.

Mr. GARDNER of Michigan. Do you not think that the District ought to keep faith with the Government?

Mr. HEPBURN. The District ought to keep faith with the Government, but there is no difficulty in our enlarging this time for payment, so that the District in 1920 can pay this debt and still keep faith. And it is suggested to me that probably it might be wise policy for us to do this and a broader justice to the District, because the increased value ascertained by the assessors will more than pay this sum in the time that I have suggested.

So, Mr. Chairman, I do not think that is an argument of such cogency as ought to influence the committee, and I hope that the members of the committee, out of pride in the work that they have done—this is undoubtedly a magnificent bill in its general scope; they have put great labor upon it; they have brought a measure here that meets with but very little criticism—I hope that in their pride of authorship or creation they will not stand against this wholesome expenditure of money. There is nothing that we can do that will give the visitor to this city a better and greater appreciation of what it is than this very appropriation.

[The time of Mr. HEPBURN having expired, by unanimous consent, at his request, it was extended five minutes.]

Mr. HEPBURN. We are talking about and are looking forward to a time when this will be the most beautiful capital in the world. I am one of those who are perfectly willing to make the needful appropriations to bring about the realization of this expectation. I want this city to be the most beautiful of all the capitals. I believe that the people whom I represent have that desire. I have never had one of them come to this city who has not been pleased to know that he had an interest in the city, which is so beautiful, even with the defects that still exist; but I do think that while we have this dream of beauty, while we are looking forward in the anticipation that our children at least will see it all, we who live in this day ought to have some of the comforts that ought to be given to us, and, while these expectations in architecture and in landscape gardening may be realized, that we, in the everyday affair of decent streets, may have what this generation are entitled to.

Gentlemen have spoken about the rapidity with which streets deteriorate and have told us about the age of the pavement in some of the streets. I think that if the surfacing of the streets of this city had been properly done it would serve its purpose for much longer periods. I think there is something radically wrong about the inspection that is being had at times when streets are being built and repaired. There is a little stretch of asphalt pavement in this city, right west of the Treasury Department, which is subjected to as great and severe use, perhaps, as that of any street in this city. It is the favorite passageway for heavily loaded teams. My recollection is that that pavement was laid in 1889, yet it is in better condition to-day than any other street that I know of. It was well built, while the surfacing of Pennsylvania avenue, that occurred late in the fall of 1892, has for ten years been a disgrace to the city. It was not well built, notwithstanding the army of inspectors that we have. And right here I should like to ask the gentleman in charge of this bill how large the inspecting force is. It seems to be so scattered through the bill that I have not been able to ascertain the number.

I remember a few years ago the inspectors were grouped together, and then it was possible for us to see what an army of observers there were, and what a multitude of men there were in the city who must know of the infamous condition of these streets. I wondered then and I wonder now, if their number has been retained at that great maximum of a few years ago, how it is that the Commissioners can sleep comfortably in their beds when the people over whom they rule are suffering the discomforts that they do, the inconvenience that they do, the outrage that they do whenever they ride over half a mile of any of the streets of this city.

Mr. GILLET. Mr. Chairman, there is an important matter which the chairman of the Committee on Appropriations desires to bring before the House for immediate action, and therefore I move that the committee do now rise.

Mr. HEPBURN. Mr. Chairman, I hope that the gentleman will let us have a vote on this. It will only take a moment to vote on it.

Mr. GILLET. I want to say a word before we vote. The matter to which I refer is a bill that we want to get over to the Senate at once.

The CHAIRMAN. The gentleman from Massachusetts moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having re-

sumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24103—the District appropriation bill—and had come to no resolution thereon.

RELIEF OF CITIZENS OF THE ISLAND OF JAMAICA.

Mr. TAWNEY. Mr. Speaker, I offer the following bill which I send to the Clerk's desk, and ask unanimous consent for its present consideration.

The Clerk read the bill, as follows:

A bill (H. R. 24478) for the relief of citizens of the island of Jamaica.

Be it enacted, etc., That the President of the United States is authorized to use and distribute among the suffering and destitute people of the island of Jamaica such provisions, clothing, medicines, and other necessary articles belonging to the subsistence and other stores of the naval establishment as may be necessary for the purpose of succoring the people who are in peril and threatened with starvation on said island in consequence of the recent earthquake and attending conflagration.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. TAWNEY. Mr. Speaker, I will say that I have just been advised by the Secretary of the Navy that the conditions at Kingston, Jamaica, are far worse than reported. The Department has a wireless message to that effect from one of the battle ships that arrived there this morning. The supply ship *Celtic* is at Guantanamo, only a short distance from Kingston. It is the intention of the President to direct that that ship go to Kingston for the purpose of distributing the supplies it has on board among the suffering people, and it is for the purpose of giving authority to do that that this bill is offered.

Mr. FITZGERALD. I desire to ask the gentleman what is the limitation on the power of the President to use these supplies?

Mr. TAWNEY. So much as is deemed to be necessary for the immediate relief of the people of that island. I will say that there was a similar resolution or bill passed at the time of the terrible catastrophe at Martinique. In that case there was no limitation at all. I inserted in this resolution "so much as may be necessary for temporary immediate relief of the people of the island."

Mr. FITZGERALD. I do not recall the language of the other resolutions. My recollection is that some of them designated a specific amount which should be at the disposal of the President.

Mr. TAWNEY. In that case there was a specific amount of \$200,000. In this case it is proposed now to use only the supplies on the supply ship *Celtic*, which is at Guantanamo, about 125 miles distant from Kingston. It is only to furnish those supplies that this authority is asked.

Mr. MANN. I would like to ask the gentleman if it is the purpose of the resolution to simply allow the supplies on that ship to be distributed?

Mr. TAWNEY. That is the purpose.

Mr. MANN. It is not expected that the Department will go beyond that?

Mr. TAWNEY. It is not, and the Department does not ask for authority to do any more than to use the supplies on the supply ship *Celtic*, which will go to Kingston as soon as it can get there for the purpose of relieving the temporary distress that prevails there at this time. I am informed that the Government of Great Britain does not even know the extent of the suffering or the conditions that prevail there at this time.

Mr. FITZGERALD. I wish to say that I have no objection to affording this relief, but it seemed to me that there should be some limitation on the power to use the resources of the Government for this purpose. I understand the gentleman from Minnesota to say that it is distinctly understood that only the specific supplies mentioned by him will be utilized for this purpose.

Mr. TAWNEY. The amount they propose to use is covered by the amount of supplies that is on this one ship.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

JAMES B. MULFORD.

The SPEAKER laid before the House the bill (H. R. 3357) granting an honorable discharge to James B. Mulford, with a Senate amendment.

The Senate amendment was read.

Mr. DAWSON. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. BRANTLEY. Mr. Speaker, I desire to call up a privileged bill, H. R. 21197, to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga.

The bill was read, as follows:

Be it enacted, etc., That the privileges of the first section of the act approved June 10, A. D. 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Brunswick, Ga.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. BRANTLEY, a motion to reconsider the last vote was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GILLET. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the District appropriation bill.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MANN in the chair.

Mr. GILLET. Mr. Chairman, I wish to say one word more upon this question of the amendment of the gentleman from Iowa [Mr. HEPBURN]. The gentleman suggests that the District Commissioners might not have asked for more because they were afraid they would not get it. If there is one thing which you can anticipate of them, it is that they will not be afraid to ask whatever they want, and I do not think the fear that they would not get it can have restrained them. There are about a million and a half dollars of projects that they have asked for which they have not received in this bill, but this is the one clause where I certainly did not think we should be asked by amendment to give more than we have. This is one provision where we gave all that was asked and all that we thought could be wisely and judiciously expended, compared with other appropriations in the bill, to make the bill come up to the needs of the District. The streets of Washington, I think, to-day compare favorably with the streets of any other city, although they could, of course, be very much improved, and we are improving them; yet they are kept up now much better than in most cities. We do not expect streets are going to be perfect all the time. It is impossible that every year we are going to have every street in this whole city a smooth and perfect pavement.

This year under the appropriations already made Pennsylvania avenue, which is the main subject of criticism, which advertises more than any other the bad condition of the streets, is going to be repaved. That will be done on the two present appropriations, and all that it is necessary to do, it seems to me, is to keep improving the other streets with our enlarged appropriation. As I said before, this committee last year allowed an appropriation half as much again as large as had ever been allowed before. This year again we gave \$300,000, half as much again as had ever been done before, and when once such a pace is set the committee keeps on. So if we should suddenly jump up to \$500,000, which the gentleman asks, \$200,000 over the \$300,000 that we now have, that would set the pace for the future. It is going to be hard to cut it down again. We gave the same this year as we did last year, and I believe that with the \$300,000 a year the city will soon be in excellent condition, quite as good as it ought to be, compared with the other pressing expenses that come upon us. The streets are not used by all the people. Probably only 10 per cent drive and ride on the streets. There are other large and crying needs which ought to be met. We have to meet the needs of the city—all its different needs—in such proportion as the committee can. We can not have any department perfect, and it seems to me that \$300,000 which we have given, more than ever before until last year, and as much as is asked, is ample to keep the city in a fair condition—better condition than any other city—and is as much proportionately to other deserving projects as we ought to give to those who ride in carriages and automobiles, and is all that this House ought now to grant.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. HEPBURN) there were—ayes 50, noes 35.

Mr. GILLET. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. GILLET and Mr. HEPBURN were appointed tellers.

The House again divided; and the tellers reported—ayes 46, noes 46.

So the amendment was rejected.

The Clerk read as follows:

Operation of the Anacostia River bridge: For salaries of employees, lighting, miscellaneous supplies, and expenses of every kind necessary to the operation and maintenance of the bridge: *Provided*, That the time within which said bridge shall be reconstructed is extended to July 1, 1908, \$2,800.

Mr. GILLETT. Mr. Chairman, I move to strike out the clause on page 28, beginning with the word "*Provided*," on lines 19, 20, and 21.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Beginning on line 19, page 28, with the word "*Provided*," strike out the remainder of said line, and also strike out lines 20 and 21.

Mr. GILLETT. That has already passed the House.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For the parking commission: For contingent expenses, including laborers, cart hire, trees, tree boxes, tree stakes, tree straps, planting and care of trees on city and suburban streets, whitewashing, care of tree spaces, parks, and miscellaneous items, \$30,000.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill what service is intended in the words "care of tree spaces?" In other words, I want to know if it is the purpose of this appropriation to secure the sodding and other proper care of the spaces around the trees, the spaces in the pavements.

Mr. GILLETT. That, I understand, is the purpose of it.

Mr. HEPBURN. Does the gentleman understand that has ever been done?

Mr. GILLETT. I think this is the exact language we had before.

Mr. HEPBURN. I mean that the duty has ever been performed for which the appropriation is made.

Mr. GILLETT. I suppose so. Yes; I am very sure it is. I can not say every tree has, but they enrich the trees from time to time, dig up the ground around about them, etc.

Mr. HEPBURN. I never had seen anything of that kind.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

For the purchase of playgrounds sites, to be immediately available, \$75,000.

Mr. JOHNSON. Mr. Chairman—

Mr. CLARK of Missouri. Mr. Chairman, I raise the point of order that the paragraph is new legislation on an appropriation bill, which is against the rule.

The CHAIRMAN. Does the gentleman make the point of order or reserve it?

Mr. CLARK of Missouri. I will make it; then if the Chair overrules me, I will make another motion.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. CLARK of Missouri. Well, I reserve it if any gentleman wants to express his opinion about it, and if nobody does I will express my own.

Mr. TAWNEY. That is more interesting, perhaps.

Mr. CLARK of Missouri. I am perfectly willing to do anything that is reasonable to help make what we all claim this capital is destined to be, the finest capital city in the world, and the events in connection with the public schools in this city in the last few years in this House have certainly demonstrated that I am a good friend to the public schools and the children.

When I first heard about this item I supposed the money was to be appropriated to enlarge the playgrounds in connection with certain schools, but I was informed to-day by a man who knows all about it that this \$75,000 appropriation is for playgrounds in no way connected with existing public school buildings in this city, and that it is simply a beginning on the part of Congress to establish a multiplicity of large playgrounds in the various sections of Washington, including Georgetown, which have no particular connection with any school, and that they are not to be located in proximity to any of the public schools. I was also informed by a gentleman who I think has a pretty good head that this was merely a beginning, an entering wedge, of a scheme that would ultimately cost in all human probability a million dollars. What good will these general playgrounds established at various places all over the city do the school children? I am not at all certain that anybody would be willing for his small children to go to one of them. Surely he would not be willing for them to go to them unless they had police supervision, particularly with reference to these things. The upshot of the matter is, unless my information is absolutely incorrect, the \$75,000 is the beginning of the establishing simply of a new set of parks in this city. If that is the case, I am

opposed to it, and if this point of order is overruled, and if I can get the eye of the Chairman—

Mr. WILLIAMS. If the gentleman will permit, why can not we simply provide that the children can play in the parks we already have?

Mr. CLARK of Missouri. That is what I would have said if I had thought of it, and I am obliged to the gentleman for the suggestion. There are plenty of parks for them to play in now, and I do not intend to be put in the attitude in raising the point of order and moving to strike out this paragraph, of being unfriendly to the schools or the school children or the children generally of the city of Washington.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard on the point of order?

Mr. GILLETT. I understood the Chair to ask the gentleman from Missouri. May I ask the gentleman from Missouri the ground upon which he bases his point of order?

Mr. CLARK of Missouri. My point of order is based upon the ground that it is new legislation and engrafted on an appropriation bill, and I do not think it needs any argument. It is not authorized by law.

Mr. GILLETT. Mr. Chairman, what is in order on the District appropriation bill, it seems to me ought to be decided upon somewhat different grounds, or at least there ought to be a different leaning on the part of the Chair, from other appropriation bills, because there is here a municipal government for the continued operation of which this bill provides, and it may be if the same rules are applied that are applied to other appropriation bills a great deal that is in the regular District appropriation bill, and which everyone would agree ought to be there, might be stricken out.

Therefore, it seems to me that the Chair should consider that a District appropriation bill appropriates for a work in progress—namely, the municipal government—and all those phases of municipal government which are necessarily appropriated for are in order on a District appropriation bill. Among those is the school. It has been the custom on every District appropriation bill to appropriate for new sites for school buildings and for new school buildings. The education of the children is one of the necessary elements of a municipal government. The law of Congress provides that we shall provide schools, and I suppose that it is on that general ground that it is held that these appropriations for the purchase of sites and for the erection of new school buildings are in order. Just as in Annapolis. It has been held with the school at Annapolis that it was in order to buy new ground and erect a new building there. So it seems to me it is in order to buy new land and erect new buildings for our school system.

Now, these playgrounds are, of course, part of our educational system. It is meant to be a part of the moral and physical and intellectual improvement of the children of the District. I do not think the question of whether it is contiguous to a schoolhouse or not is of importance. If it should be, it might be ruled that one of these grounds was in order and the other two were out of order, because one of them is next to a schoolhouse and the other two are not.

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

Mr. GILLETT. Certainly.

Mr. CLARK of Missouri. Is it not a fact that the principal use to which these playgrounds would be put would be during the summer, when the schools are not in session at all?

Mr. GILLETT. Not the principal use. It would undoubtedly be a large use, but at the same time that is part of the school system. The fact that the schools are not in session does not prevent it from being part of the educational system of the District.

Mr. CLARK of Missouri. Now, another question. If these places are not located with particular reference to proximity to the school buildings, then how can the gentleman claim with a straight face that this proposition is any part of the public school system at all?

Mr. GILLETT. I do not see how anybody could claim that it is not a part of the school system. It is a part of the education of the children. It is the part of providing healthful exercise, just as our school playgrounds are for the children of the District, and it seems to me it is a part of the educational system of the District.

Mr. CLARK of Missouri. Another question. What is the reason the children of this District can not play in these numerous parks that we have, just as well as in this new system of parks that is contemplated?

Mr. GILLETT. Because there are not nearly enough of them.

Mr. CLARK of Missouri. The truth is they warn them off the grass in these parks now, and instead of making them play-

grounds for the children, as they ought to be, they are a kind of fashionable resort for the people of the District of Columbia.

Mr. GILLETT. Now, the gentleman is mistaken in that, because in two of the places where these playgrounds are to be located there are not any parks, namely, the northeast section and the Georgetown section, and in the southwest section there is a small park which is now being used for a playground. But that does not affect the point of order as to whether it is in order or not on this bill.

Mr. CRUMPACKER. The parks belong to the Federal Government, do they not?

Mr. GILLETT. They do.

Mr. CRUMPACKER. They are not the property of the city. I would suggest the purchase and procurement of sites and the erection of playgrounds is as much a part of the school system as a gymnasium for school children is a part of the educational system.

Mr. GILLETT. This is practically gymnasium work. It is contemplated to have gymnastic apparatus upon them.

Mr. CLARK of Missouri. Does not the law provide now that although these parks belong to the United States Government they may be used by the children as public playgrounds?

Mr. CRUMPACKER. I do not understand that they do. The law provides that they shall not be used by children for public playgrounds.

Mr. GILLETT. I understand that there is a provision in law that the officer in charge shall set aside suitable provision for children in the public parks.

Mr. WILLIAMS. If the gentleman will pardon me, I have some practical information, because I am the father of many children. I do not know how it is regulated or who regulates it, but in some of the parks they permit the children to play and in some of them they do not. Now, in the Judiciary Square they can play and here in the Capitol park children 12 years of age can play, but in some of them nobody is allowed to go on the grass under any circumstances. I would like to know who regulates it or makes the distinction. I suppose it is done by the Commissioners, or the custodian of public grounds of the District of Columbia.

Mr. GILLETT. Mr. Chairman, I am not intentionally diverting from the point of order, but—

Mr. CLARK of Missouri. I would like to ask the gentleman one more question. This plan involves ultimately the expenditure in the neighborhood of a million dollars if it is carried out according to the wishes of the people who are favoring it, does it not?

Mr. GILLETT. Oh, yes, Mr. Chairman; it will according to the purpose of the persons who propound it, but it will not according to my purpose, and it will not get any sympathy from me.

Mr. CLARK of Missouri. The trouble about that is that you and I and the rest of us are here by a feeble tenure and can not stay for long, at best; but these people who want these things, they and their successors, are going to be here eternally.

Mr. GILLETT. But it does not follow that our successors are going to be any more friendly to such a proposition than we.

Mr. CLARK of Missouri. If I knew that the gentleman from Massachusetts were going to stay here forever I would be perfectly willing to leave it to him to keep it from reaching a million dollars; but he is subject to the ordinary laws of human life and the laws of American politics like the rest of us. [Laughter.]

Mr. SIMS. I would like to ask the gentleman a question.

Mr. GILLETT. Certainly.

Mr. SIMS. Is there not a tendency upon the part of the people of this city to have large amounts of land purchased by the Government, if it does not withdraw such land from taxation, thereby constantly reducing the taxable property of the District, and is that not used as an argument to found the claim that the Government should pay one-half of the expenses of the District?

Mr. GILLETT. With that I have not much sympathy; but I will answer that when we come to an argument of the amendment on its merits. I do not like to appear to be discussing a point of order and really be drawn into a discussion of the merits. But my position on the point of order is that this is analogous to other propositions which from year to year are in the District of Columbia appropriation bill for the purchase of sites and the erection of schoolhouses; that it is absolutely necessary for the conduct of the municipal business that they should have schools, and that the education of the children is a work in progress which is specifically provided for by law and is compulsory on the District, and this is in furtherance of that project.

Mr. GARDNER of Michigan. Mr. Chairman, just one word

upon the point of order and in support of the contention that this movement is part of the public educational system of the city, and is therefore in order. The Committee on Appropriations for a number of years has made provisions, not in a large sum, but what was deemed sufficient from year to year to aid in the development and maintenance of public playgrounds for the children of the city. Further than that, the teachers of the public schools have been paid out of that fund to supervise the care and education and protection of the children on these playgrounds. Further than that, the janitors for the public schools have been employed and paid out of these funds for the care of these public playgrounds. They are, in a sense, to be educational institutions for the children rather than mere recreation grounds, and they are for the development of the physical as the school proper is for the development of the mental side of the children, and therefore in order because it is a continuance of the present educational system.

Mr. REEDER. I would like to ask the gentleman a question before he takes his seat.

Mr. GARDNER of Michigan. Certainly.

Mr. REEDER. Can the gentleman state how far these proposed parks are to be from the nearest school building?

Mr. GARDNER of Michigan. I can not tell you exactly how far they are to be from the schools; but in reasonably close proximity.

Mr. GILLETT. One of them joins.

Mr. REEDER. I mean the other.

Mr. GILLETT. One of them joins the school building, and the other is quite a distance.

Mr. REEDER. Is it within a block?

Mr. GILLETT. One is near to the school building. I do not think the second is within a block.

Mr. GARDNER of Michigan. But let me say that the testimony shows that they are within reach of 4,000 children.

Mr. CLARK of Missouri. I want to ask the gentleman from Michigan a question or two.

Mr. REEDER. I want to get an answer on this point: If they are away from the children as much as a block, and are to be used by the children, they can not be used by the children from the school unless you dismiss the school so that they can go to the playgrounds. They can not go there and come back in time for the school session.

Mr. GARDNER of Michigan. In answer to the gentleman, I will state this: Going out on another mission in the city a few weeks ago with a gentleman who is present, we went by one of these playgrounds—private property—where there were scores of children from 8 to 16 years of age playing.

Mr. CLARK of Missouri. I will ask the gentleman if he does not think it would be a wiser expenditure of money to buy sufficient playgrounds in the immediate neighborhood of the public school buildings that are already erected in this town?

Mr. GARDNER of Michigan. If that could be done; but many of the buildings are so located that you can not enlarge the open area about them.

Mr. CLARK of Missouri. I know that. Take the Franklin School, for instance—it could not be done in that case for it would cost too much; but in many cases you could buy a block of ground, as the gentleman from Kansas seems to intimate, within a reasonable distance from the playgrounds, and make them available to the children. Now, another question: Do not the proponents of this plan intend that social clubs shall be established on these playgrounds, as they are called, and so on to the end of the chapter?

Mr. GARDNER of Michigan. Now, if that is relevant to the point of order, I shall be glad to speak of it.

Mr. CLARK of Missouri. We are talking about the whole thing. I reserved the point of order.

Mr. GARDNER of Michigan. I should like to wait until the matter is properly up for discussion.

Mr. CLARK of Missouri. One more question and then I will stop. Is it not in the contemplation of the proponents of this measure that this thing shall ultimately cost as much as a million dollars?

Mr. GARDNER of Michigan. I have heard that stated on what I thought was good authority.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] makes the point of order upon the paragraph of the bill providing for the purchase of playground sites, to be immediately available.

The gentlemen who contend that the matter is not subject to the point of order seem to rely principally upon the proposition that this is a part of the public school system in some way. It seems to the Chair that if the gentlemen had thought at the time of the preparation of the bill that the playgrounds were a part of the public school system the item would have been in-

serted at some point among the twenty pages of the bill under the heading of public schools. It scarcely seems to the Chair that the purchase of playgrounds apart from the public schools can be called a part of the public school system; and it has been held by the Chair that even a provision in the bill providing for the erection of a new public school was subject to the point of order in this bill if not previously authorized.

As the Chair understands, there is no direct legislation authorizing the purchase of the playgrounds. If a bill were introduced in the House for that purpose it would be referred to the Committee on the District of Columbia, which would have jurisdiction to consider and report it. If a bill reported from that committee were passed upon the subject, then the Committee on Appropriations would acquire jurisdiction. In the opinion of the present occupant of the chair, contrary to his personal inclinations as to playgrounds, the item is new legislation and is subject to the point of order; and the Chair therefore sustains the point of order.

Mr. NORRIS. Mr. Chairman, I desire to offer an amendment right there, after the word "dollars," in line 22, page 32:

For the purchase of playground sites for school children, to be immediately available, \$75,000.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 22, page 32, the following:

For the purchase of playground sites for school children, to be immediately available, \$75,000.

Mr. SHACKLEFORD. I make the point of order against that amendment.

The CHAIRMAN. The gentleman from Missouri makes the point of order, and the Chair sustains the point of order.

The Clerk read as follows:

Lighting: For illuminating material, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, roads, and alleys; purchasing and expense of erecting and maintaining new lamp-posts, street designations, lanterns, and fixtures; moving lamp-posts, painting lamp-posts and lanterns; replacing and repairing lamp-posts and lanterns damaged or unfit for service; for rent of storeroom, cartage of material, livery, and other necessary items, \$250,000: *Provided*, That no more than \$18 per annum shall be paid for each gas lamp equipped with a self-regulating flat-flame burner so adjusted as to secure under all ordinary variations of pressure and density a consumption of 5 cubic feet of gas per hour, nor more than \$20.85 per annum for each gas or oil lamp equipped with an incandescent mantle burner of not less than 60 candlepower. And during the fiscal year 1908 the price prescribed by Congress for lighting each street lamp in the District of Columbia with gas or oil shall be construed to include the cost of the illuminating material used, lighting and extinguishing lamps, repairing, painting, cleaning, purchasing, and expense of erecting and maintaining lamp-posts, street designations, lanterns, and fixtures: *Provided*, That all of said lamps shall burn every night, on the average, from fifteen minutes after sunset to forty-five minutes before sunrise: *And provided further*, That the Commissioners of the District of Columbia may purchase, erect, light, and maintain such posts, lanterns, signs, and fixtures for street designation purposes, in addition to those mentioned above, as in their judgment may be necessary, which lamps shall not be subject to the restrictions of this paragraph except as to the time of burning.

Mr. GILLETT. Mr. Chairman, I offer an amendment to that section.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 25, in line 22, strike out the word "or" and insert in lieu thereof the words "and \$22.80 per annum for each."

Mr. GILLETT. That is merely to correct an oversight in the printing of the bill. There is a difference in the price of gas and oil lamps, and this is to make that perfectly clear.

The amendment was agreed to.

The Clerk read as follows:

For care, including salaries of all necessary employees, maintenance, and operation of the Washington Aqueduct, District of Columbia, filtration plant, and for each and every purpose connected therewith, \$90,000.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24103—the District of Columbia appropriation bill—and had come to no resolution thereon.

INTERNATIONAL SUNDAY SCHOOL ASSOCIATION OF AMERICA.

Mr. KEIFER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 7034, to incorporate the International Sunday School Association of America.

The SPEAKER. The gentleman from Ohio asks unanimous

consent to take from the Speaker's table the bill of which the Clerk will report the title.

The Clerk read as follows:

S. 7034. To incorporate the International Sunday School Association of America.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Ohio the reason of this.

Mr. WILLIAMS. Is this a District company?

Mr. KEIFER. This is a corporation that has no business relations except those connected with Sabbath schools and the Sabbath School Association of America. This bill was introduced into the Senate of the United States by Senator McCREARY, of Kentucky, at the instance of the International Sabbath School Association of America. It was referred in the Senate to the Judiciary Committee, there considered and reported to the Senate, and passed the Senate unanimously. The only thing that the Judiciary Committee of the Senate had any doubt about as to the bill as it was originally drawn was whether or not it should require the principal office to be held exclusively in the city of Washington, D. C. It was proposed in the original bill that the principal office should be here, but that an office might be kept at another place, provided a majority of the incorporators so desired. Senator BACON, of Georgia, and others thought it ought to be limited, as I am informed, to a place wholly within the jurisdiction of the United States, and the bill was amended in that respect, requiring the office of the association to be in Washington City. Then, as some of the incorporators are citizens of the United States and others are citizens of Canada, the bill was amended finally so as to provide that in all the future the majority of the incorporators should be citizens of the United States. This amendment was made on yesterday, just before the bill passed the Senate, on the motion of Senator HEYBURN, of Idaho, as yesterday's proceedings in the Senate show.

Briefly, the object of the incorporation is to give this International Sabbath School Association, which has been going on with special organization a long time, with one office at Chicago and one at Toledo, and sometimes doing business in Philadelphia and perhaps in Canada, wherever it was believed the best work could be done, a place where they can concentrate their work. The work covers the United States and Canada; perhaps other countries. It has been most successful. The principal thing is to give them organization where they may have their donations centered, and largely an incorporation is wanted and needed so that donations and bequests and devises, etc., can be accepted, which the unincorporated association has not been able so far to do.

Mr. WILLIAMS. Why could they not receive a charter from a State?

Mr. KEIFER. Because it is international; it covers all the States and more. There might be an incorporation in Kentucky and an office at Louisville, but down there they could not incorporate and extend corporate authority farther than Kentucky, the charter not being for general business that through State comity are allowed to do business in States where not chartered.

Mr. WILLIAMS. Oh, yes. Corporations incorporated under the laws of New Jersey do work all over the Union.

Mr. KEIFER. Those are business corporations.

Mr. WILLIAMS. Why could they not do just as much with a State incorporation as with a national incorporation?

Mr. KEIFER. I am not prepared to say. Of course they might have crippled along without an incorporation.

Mr. WILLIAMS. Is not the object to give them the prestige of a national charter?

Mr. KEIFER. Probably so; that may be one of the reasons for having a national charter. I am satisfied that the business of the organization will be better accomplished by a national incorporation, and, if it was fully understood, I think there would be no objection.

Mr. FITZGERALD. Has the bill been to any committee of the House?

Mr. KEIFER. It has never been before a committee of the House; it has been in the Senate.

Mr. FITZGERALD. Does not the gentleman think that the House ought to have the benefit of an investigation of the matter by one of its committees?

Mr. KEIFER. The reason that I called it up is because it is understood that there are pressing reasons in connection with donations. It has been before the Judiciary Committee of the Senate, and in charge of Senator BACON, of Georgia, where it was fully considered.

Mr. MANN. Has a similar bill been introduced in the House?

Mr. KEIFER. No, Mr. Speaker; I think not. I was asked

to introduce such a bill, but finding that the matter had been taken up by Senator McCREARY, I did not introduce it, but waited until it might come regularly from the Senate.

Mr. MANN. There is no criticism upon the gentleman's action in waiting, but here is an organization that has been in existence for many years.

Mr. KEIFER. The work of the International Sabbath School Association has been going on for a quarter of a century or more.

Mr. MANN. Does not the gentleman think that if the organization has been in existence for years, and after it has been in the Senate for a considerable length of time, that he ought not to ask the House to pass the bill without giving it a few days' reference to a committee?

Mr. KEIFER. Well, I thought that it had sufficient consideration in the Senate. It involves nothing to the United States; there is no possible business involved in it—nothing in it for profit.

Mr. MANN. Well, Mr. Speaker, the difficulty is to make an invidious distinction. If this bill is permitted to go through without such a reference, it being nothing unusual to make such a request, the next bill may have something in it that we do not discover.

Mr. KEIFER. Where it is of a business character, that is right. If the gentleman will allow me, I will hand to the Clerk to have read a letter written to me—a personal letter—from Mr. Marion Lawrence, which I will send to the desk.

The Clerk read as follows:

INTERNATIONAL SUNDAY SCHOOL ASSOCIATION,
OFFICE OF THE GENERAL SECRETARY,
Toledo, Ohio, December 28, 1906.

Gen. J. WARREN KEIFER,
Washington, D. C.

MY DEAR SIR: I have your autograph letter from Springfield, dated December 24. The copy of the bill you sent me came all right, and I have looked it over with much interest. Now, in regard to the benefits to be derived would say they are principally two.

First, crystallization of our work. We are branching out a great deal, and already have three or four offices—one in Toledo, one in Chicago, one in Newark, N. J., etc. Others are likely to follow unless we centralize and crystallize. We have 13 secretaries under my direction—this does not include the office force in these various offices. The work is growing rapidly, and we are spending about \$30,000 a year. We thought incorporation would make it easier for us, for we would move all of our offices to one place, probably Chicago, after suitable action has been taken with that in view. Of course that action can not be taken until after we are incorporated, with the chief office in the District of Columbia. We are likely to add quite a number more secretaries and departments to our work within the next few years. Our organization has always been too loose. We never have had even a constitution or by-laws. Everything has been done by precedent and impulse. We want to tie things together a little.

We admit, however, that the chief benefit sought for is financial. We desire to put ourselves into a position so that our friends can remember us in their wills. We have many friends, I believe, who would be willing to do this; and if we were incorporated in such a way that they would know their wishes would be carried out during the years to come they would feel more free to remember us in this way. We have no source of income whatever except through the generosity of churches and Sunday schools and individuals. There is no business feature in the association whatever. There is not a single thing we sell (and our sales are confined wholly to our reports and leaflets) upon which we do not lose money. The report of our last convention, for instance, is sold at 50 cents a copy and costs 75 cents a copy to print. We are after the flock and not the fleece. Speaking of wills, I did know of one person who has put \$50,000 in a will to be used as a perpetual investment, the proceeds to go to our work. That money is made to a trustee or some trust institution. It is to encourage such things as this that we are acting in this matter, especially at this time. If I have not answered your letter fully, please let me know and I will gladly take it up again.

Yours,

MARION LAWRENCE.

Mr. KEIFER. I hope the gentleman will withdraw any objection he may have.

Mr. MANN. Mr. Speaker, this bill not only occupies an exceptional place in the House, but it is a District bill and should be referred to the District Committee.

Mr. KEIFER. No; it is not a District bill.

Mr. MANN. Well, if it is not a District bill, then I object, and if it is a District bill, I object. I certainly object.

The SPEAKER. The gentleman from Illinois objects. The bill is referred to the Committee on the District of Columbia, and ordered printed.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. SMITH of Kentucky to withdraw from the files of the House, without leaving copies, the papers in the case of J. A. Kemp, H. R. 9839, Fifty-eighth Congress, no adverse report having been made thereon.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7034. An act to incorporate the International Sunday School Association of America—to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

- H. R. 2822. An act granting an increase of pension to Levi Gates;
- H. R. 2909. An act granting an increase of pension to Jacob T. Wise;
- H. R. 3194. An act granting an increase of pension to Samuel Harvey;
- H. R. 3195. An act granting an increase of pension to Milton S. Collins;
- H. R. 3228. An act granting an increase of pension to Michael Doyle;
- H. R. 3234. An act granting an increase of pension to Rush Deskines;
- H. R. 3297. An act granting an increase of pension to Thomas Lonergan;
- H. R. 3355. An act granting an increase of pension to James L. Allen;
- H. R. 3494. An act granting an increase of pension to Albert A. Talham;
- H. R. 3496. An act granting an increase of pension to Edward Walton;
- H. R. 3733. An act granting an increase of pension to Simeon D. Chelf;
- H. R. 4386. An act granting an increase of pension to Zelinda E. Odenbaugh;
- H. R. 4648. An act granting an increase of pension to Sarah A. Dedrick;
- H. R. 4656. An act granting an increase of pension to Thomas Snell;
- H. R. 4663. An act granting an increase of pension to Horace B. Tanner;
- H. R. 4834. An act granting an increase of pension to Silas V. White;
- H. R. 6911. An act granting an increase of pension to William J. Turner;
- H. R. 7476. An act granting an increase of pension to George C. Dean;
- H. R. 7488. An act granting an increase of pension to Jacob L. Hatton;
- H. R. 8563. An act granting an increase of pension to William H. Hays;
- H. R. 8789. An act granting an increase of pension to Levi Chapman;
- H. R. 10364. An act granting an increase of pension to John P. Patterson;
- H. R. 10531. An act granting an increase of pension to William G. Binkley;
- H. R. 10751. An act granting an increase of pension to George W. Harris;
- H. R. 10755. An act granting an increase of pension to Anna Flynn;
- H. R. 10804. An act granting an increase of pension to John H. Worley;
- H. R. 10958. An act granting an increase of pension to Levi Dodson;
- H. R. 12911. An act granting an increase of pension to Ambrose S. Delaware;
- H. R. 13241. An act granting an increase of pension to Francis Haner;
- H. R. 13455. An act granting an increase of pension to Josiah P. Higgins;
- H. R. 13887. An act granting an increase of pension to Joseph T. Eagler;
- H. R. 14298. An act granting an increase of pension to John Remick;
- H. R. 14543. An act granting an increase of pension to Charles Barnell, alias Richard North;
- H. R. 15471. An act granting an increase of pension to Eli Stover;
- H. R. 15763. An act granting an increase of pension to Gainford N. Upton;
- H. R. 18454. An act granting an increase of pension to Barlow Davis;
- H. R. 19296. An act granting an increase of pension to Assof Harelson;
- H. R. 18742. An act granting an increase of pension to Martin V. Barney;
- H. R. 19390. An act granting an increase of pension to William R. Sears;
- H. R. 19482. An act granting an increase of pension to Sarah E. Cannell;

H. R. 19725. An act granting an increase of pension to Howard Bennett;

H. R. 19970. An act granting an increase of pension to Eugene Demers;

H. R. 20559. An act granting an increase of pension to John Bradley;

H. R. 20617. An act granting an increase of pension to Isaac N. S. Will;

H. R. 20623. An act granting an increase of pension to James B. O. Horbach;

H. R. 20714. An act granting an increase of pension to Robert Turley;

H. R. 20891. An act granting an increase of pension to Hugh Blair;

H. R. 20968. An act granting an increase of pension to Waitman T. Mathers;

H. R. 21578. An act granting an increase of pension to Andrew J. Gaskey;

H. R. 19754. An act to provide for the distribution of public documents to the library of the Philippine government at Manila, P. I.;

H. R. 20069. An act for the opening of Macomb street NW., District of Columbia;

H. R. 19523. An act to authorize Thomas J. Ewing and George B. Patton, of Catlettsburg, Ky.; Otto Burger, of Cincinnati, Ohio; Herbert Haynard, of Kenova, W. Va., and Charles Miller, of Huntington, W. Va., to construct a bridge across the Tug Fork of the Big Sandy River;

H. R. 13675. An act to ratify and confirm the acts of the legislative assembly of the Territory of Oklahoma, passed in the year 1905, relating to an insane asylum for the Territory of Oklahoma, and providing for the establishment and maintenance of an insane asylum for the Territory of Oklahoma at Fort Supply, in Woodward County, Okla., and making appropriations therefor;

H. R. 1249. An act granting a pension to William R. Fulk;

H. R. 1372. An act granting a pension to Josephine I. Richmond;

H. R. 1500. An act granting a pension to Emily J. Sherman;

H. R. 1800. An act granting a pension to Eliza J. Ingle;

H. R. 4705. An act granting a pension to Harriet E. Palmer;

H. R. 10789. An act granting a pension to David Wilborn;

H. R. 18677. An act granting a pension to Martin Alphons Luther;

H. R. 522. An act granting an increase of pension to Frederick Roschdiantzky;

H. R. 562. An act granting an increase of pension to John F. Mohn;

H. R. 600. An act granting an increase of pension to Oliver N. McLain;

H. R. 747. An act granting an increase of pension to Robert Smith;

H. R. 1026. An act granting an increase of pension to Thomas M. Wilcox;

H. R. 1060. An act granting an increase of pension to Margaret E. Lonsbury;

H. R. 1067. An act granting an increase of pension to Jacob Bender;

H. R. 1068. An act granting an increase of pension to William S. Quigley;

H. R. 1169. An act granting an increase of pension to Oliver P. Pierce;

H. R. 1673. An act granting an increase of pension to Jennie E. Edson;

H. R. 1687. An act granting an increase of pension to James C. Daly;

H. R. 1706. An act granting an increase of pension to George H. Washburn;

H. R. 1709. An act granting an increase of pension to Brice P. Munns;

H. R. 1891. An act granting an increase of pension to Simeon York;

H. R. 1904. An act granting an increase of pension to Nelson B. Satterlee;

H. R. 1938. An act granting an increase of pension to Thomas B. Foutty;

H. R. 2200. An act granting an increase of pension to Peter Reedy;

H. R. 2422. An act granting an increase of pension to Earl K. Childs;

H. R. 2761. An act granting an increase of pension to Michael Mahoney; and

H. R. 15004. An act granting an increase of pension to William J. McAtee.

The Speaker announced his signature to enrolled bill of the following title:

S. 6378. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906.

ADJOURNMENT.

Then, on motion of Mr. GILLET (at 4 o'clock and 57 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for light keeper's dwelling, Menominee Harbor, Michigan—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of reappropriation for contingent expenses, United States consulates—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriations for consular offices in China, Japan, and India—to the Committee on Foreign Affairs, and ordered to be printed, with illustrations.

A letter from the Secretary of the Interior, submitting a statement of weight and postage value of mail matter deposited, from the Interior Department, in the Washington post-office under the penalty provisions, from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of Indian Affairs in relation to the purchase of additional lands for the use of the Sac and Fox Indians of the Mississippi, in Iowa—to the Committee on Indian Affairs, and ordered to be printed, with illustrations.

A letter from the Postmaster-General, submitting a reply to the inquiry of the House as to employment of clerks and carriers in the Chicago post-office—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. NEEDHAM, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 23114) extending to the support of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, reported the same without amendment, accompanied by a report (No. 6415); which said bill and report were referred to the House Calendar.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 23927) excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves," reported the same without amendment, accompanied by a report (No. 6421); which said bill and report were referred to the House Calendar.

Mr. LILLEY of Pennsylvania, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the Senate (S. 2878) to establish an assay office at Salt Lake City, State of Utah, reported the same without amendment, accompanied by a report (No. 6422); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BEALL of Texas, from the Committee on Claims, to

which was referred the bill of the House (H. R. 20169) for the relief of Margaret Neutze, of Leon Springs, Tex., reported the same without amendment, accompanied by a report (No. 6410); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20168) for the relief of F. Krant, of Leon Springs, Tex., reported the same with amendment, accompanied by a report (No. 6411); which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the Senate (S. 6166) for the relief of Edwin S. Hall, reported the same without amendment, accompanied by a report (No. 6412); which said bill and report were referred to the Private Calendar.

Mr. WELBORN, from the Committee on Claims, to which was referred the bill of the Senate (S. 5446) for the relief of John Hudgins, reported the same with amendment, accompanied by a report (No. 6413); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the Senate (S. 4926) for the relief of Etienne De P. Bujac, reported the same without amendment, accompanied by a report (No. 6414); which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House H. R. 4930, reported in lieu thereof a resolution (H. Res. 770) referring to the Court of Claims the papers in the case of Chester Bethel, accompanied by a report (No. 6417); which said resolution and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 505) for the relief of Jacob Livingston & Co., reported the same without amendment, accompanied by a report (No. 6418); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 3739) for the relief of A. A. Noon, reported the same without amendment, accompanied by a report (No. 6420); which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the Senate (S. 190) for the relief of L. K. Scott, reported the same without amendment, accompanied by a report (No. 6423); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1648) for the relief of the Hoffman Engineering and Contracting Company, reported the same without amendment, accompanied by a report (No. 6424); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2073) for the relief of Jeanie R. Bartlett, widow of the late Rear-Admiral John Russell Bartlett, United States Navy, reported the same with amendment, accompanied by a report (No. 6425); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16085) for the relief of Gordon, Ironsides & Fares Company (Limited), reported the same without amendment, accompanied by a report (No. 6426); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 23903) for the relief of Evan Knecht, reported the same adversely, accompanied by a report (No. 6416); which said bill and report were laid on the table.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the Senate (S. 1430) for the relief of George Stoll and the heirs of Charles P. Regan, Marshall Turley, Edward Lanigan, James Manley, and John Hunter, reported the same adversely, accompanied by a report (No. 6419); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BONYNGE: A bill (H. R. 24465) providing that mail matter relative to naturalization shall be transported free by

registered mail—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Texas: A bill (H. R. 24466) to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes—to the Committee on the Judiciary.

By Mr. YOUNG: A bill (H. R. 24467) for the establishment of a light-house and fog-signal station at White Shoals, in the Straits of Mackinac, State of Michigan—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 24468) to construct and place a light-ship at the easterly end of the Southeast Shoal, near North Manitou Island, Lake Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND: A bill (H. R. 24469) to declare and limit the jurisdiction of courts as to the question of the constitutionality of acts of the Congress—to the Committee on the Judiciary.

By Mr. LILLEY of Connecticut: A bill (H. R. 24470) to provide for the erection of a public building at Winsted, Conn.—to the Committee on Public Buildings and Grounds.

By Mr. MARTIN: A bill (H. R. 24471) to amend the laws relating to the public coal lands of the United States—to the Committee on the Public Lands.

By Mr. BROWN: A bill (H. R. 24472) for the establishment of a light-house and fog-signal station at the easterly end of Gull Island, Apostle Group, westerly end of Lake Superior, Wisconsin—to the Committee on Interstate and Foreign Commerce.

By Mr. MARSHALL: A bill (H. R. 24473) to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation in North Dakota—to the Committee on the Public Lands.

By Mr. MUDD: A bill (H. R. 24474) to regulate the hours of service and compensation of attendants and nurses at the Government Hospital for the Insane in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BRUMM: A bill (H. R. 24475) to prohibit the employment of children in mines or factories without the owners thereof having a license therefor, providing an annual tax for the employment of all such children, and a tax upon the products of such labor—to the Committee on Labor.

By Mr. SMITH of Texas: A bill (H. R. 24476) to require railroad companies engaged in interstate commerce to promptly furnish cars and other transportation facilities, and to empower the Interstate Commerce Commission to make rules and regulations with respect thereto, and to further regulate commerce among the several States—to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: A bill (H. R. 24477) to amend an act to fix and regulate salaries of teachers, school officers, and other employees of the board of education of the District of Columbia—to the Committee on the District of Columbia.

By Mr. HASKINS, from the Committee on War Claims: A resolution (H. Res. 770) referring to the Court of Claims the bill H. R. 4930—to the Private Calendar.

By Mr. WILEY of New Jersey: A resolution (H. Res. 771) concerning rates charged for telephone service in the District of Columbia, etc.—to the Committee on Rules.

By Mr. DALZELL: A joint resolution (H. J. Res. 221) to fill a vacancy in the Board of Regents of the Smithsonian Institution—to the Committee on the Library.

By Mr. COOPER of Pennsylvania: A joint resolution (H. J. Res. 222) providing for a survey of Youghiogheny River—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 24479) granting a pension to Simeon D. Pope—to the Committee on Pensions.

By Mr. BONYNGE: A bill (H. R. 24480) granting an increase of pension to William S. Dillon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24481) granting an increase of pension to George W. Custer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24482) granting an increase of pension to Godfrey S. Eggerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24483) granting a pension to Clarence W. Thomas—to the Committee on Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 24484) granting an increase of pension to George H. Teagarden—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 24485) granting an increase of pension to John Kiplinger—to the Committee on Pensions.

By Mr. DE ARMOND: A bill (H. R. 24486) granting an increase of pension to George W. Wade—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 24487) granting an increase of pension to Stephen A. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24488) granting an increase of pension to August Petit—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24489) granting an increase of pension to John A. Schmahl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24490) granting an increase of pension to William Fulks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24491) granting a pension to Maud Jourdan—to the Committee on Pensions.

By Mr. DRISCOLL: A bill (H. R. 24492) to remove the charge of desertion from the military record of James Ryan—to the Committee on Military Affairs.

By Mr. DUNWELL: A bill (H. R. 24493) granting an increase of pension to Theodric Gage—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 24494) granting an increase of pension to Nathaniel Perkins—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 24495) granting a pension to Samuel A. Frear, alias James Ferry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24496) granting an increase of pension to Dewitt C. Gardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24497) granting an increase of pension to Clark B. Baker, alias Henry Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24498) granting an increase of pension to Justin H. Wixom—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 24499) to correct the war record of Samuel Braden—to the Committee on Military Affairs.

Also, a bill (H. R. 24500) to remove the charge of desertion standing against William A. Morgan—to the Committee on Military Affairs.

By Mr. HILL of Mississippi: A bill (H. R. 24501) granting a pension to Hugo Hengel—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 24502) granting an increase of pension to A. Judson Conant—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 24503) granting a pension to William Pollard—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 24504) granting an increase of pension to John Lelter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24505) granting an increase of pension to Richard Smith—to the Committee on Pensions.

By Mr. KLINE: A bill (H. R. 24506) granting an increase of pension to John Dotterey—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 24507) granting an increase of pension to Ira G. Haven—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24508) granting an increase of pension to Thomas Murray—to the Committee on Pensions.

By Mr. LILLEY of Connecticut: A bill (H. R. 24509) granting an increase of pension to Mariette Carswell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24510) granting a pension to Henry M. Prindle—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 24511) granting an increase of pension to Aaron Marden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24512) granting an increase of pension to Edward K. Chapman—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 24513) granting an increase of pension to Bowman H. Buck—to the Committee on Pensions.

By Mr. LOWDEN: A bill (H. R. 24514) granting an increase of pension to Benjamin B. Brininger—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 24515) for the relief of Julius A. Kaiser—to the Committee on Naval Affairs.

By Mr. NELSON: A bill (H. R. 24516) granting an increase of pension to Edwin H. Chase—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24517) granting an increase of pension to George W. Morton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24518) granting an increase of pension to Reuben Nye—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 24519) granting a pension to Dora Dee Walker—to the Committee on Pensions.

By Mr. REYNOLDS: A bill (H. R. 24520) granting an increase of pension to John B. Tobias—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24521) granting an increase of pension to Alexander Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24522) granting an increase of pension to David R. Donnelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24523) granting an increase of pension to Thomas S. Empfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24524) granting a pension to Jacob R. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24525) granting an increase of pension to William H. McClellan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24526) granting an increase of pension to R. C. Weir—to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 24527) granting an increase of pension to William E. Sigler—to the Committee on Pensions.

Also, a bill (H. R. 24528) granting an increase of pension to Levi Frauenfelder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24529) granting an increase of pension to John Ogden—to the Committee on Invalid Pensions.

By Mr. SHARTEL: A bill (H. R. 24530) granting a pension to David Miller—to the Committee on Pensions.

By Mr. SOUTHARD: A bill (H. R. 24531) granting an increase of pension to David E. Jefferson—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 24532) granting an increase of pension to Absalom R. Shacklett—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 24533) granting an increase of pension to Joseph G. Johnson—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 24534) granting an increase of pension to Sophie Garies—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24535) granting an increase of pension to George W. Almondy—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 24536) granting an increase of pension to Bridget Mahoney—to the Committee on Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 22964) granting an increase of pension to Eudocia Arnett—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23695) granting a pension to John Hearn—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Petition of citizens of York, Me.; Montcalm, Mich.; Marion, W. Va.; Isabella, Mich.; Pontiac, Mich.; Waupaca, Wis.; Bibb, Ala.; Concord, N. H.; New Orleans, La.; Adams, Ill.; Carlinville, Ill.; Perry, Ala.; Washington, Ark., and Dickinson, Kans., against S. 5221, regulating practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of New Mexico, Massachusetts, Tennessee, Nebraska, Kentucky, Arizona, New York City, Kansas, West Virginia, Arkansas, Michigan, Indiana, Illinois, District of Columbia, Mississippi, Vermont, and Louisiana, against Senate bill 5221, regulating practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BATES: Petition of George Diebert, secretary Fruit Growers' Association, Bedford, Pa., for legislation to further the admission of American fruit to German markets under minimum duties—to the Committee on Ways and Means.

By Mr. BRUMM: Petition of civil war veterans and Spanish war veterans, Shenandoah, Pa., for restoration of Army canteen—to the Committee on Military Affairs.

By Mr. BUTLER of Pennsylvania: Paper to accompany bill for relief of Rosanna Kaogan (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: Paper to accompany bill for relief of John Albright, Metcalf A. Bell, and Philip Silver—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of Francis M. Starn and Ellen A. Mealia—to the Committee on Invalid Pensions.

By Mr. FLACK: Petition of H. T. Martyn Post, Grand Army of the Republic, Canton, N. Y., for increase of pension of veterans of civil war—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of John Bogenschutz (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. FRENCH: Petition of Idaho Hardware and Implement Dealers' Association, against parcel post—to the Committee on the Post-Office and Post-Roads.

By Mr. FULKERSON: Paper to accompany bill for relief of George Hopkins—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Archibald H. Grimke and 17 other citizens of Boston and vicinity, protesting against the discharge of three companies of the Twenty-fifth Infantry—to the Committee on Military Affairs.

Also, petition of the Daily Post, of Lasalle, Ill., for an amendment to the railway rate law permitting interchange of advertising for transportation—to the Committee on Interstate and Foreign Commerce.

Also, petition of I. N. R. Beatty, Morris, Ill., for the proposed deep waterway from the Lakes to the Gulf—to the Committee on Rivers and Harbors.

Also, petition of San Francisco Labor Council, against utterances of the President on the Japanese question relative to public schools of that city—to the Committee on Foreign Affairs.

By Mr. GOULDEN: Petitions of Coastwise Transportation Company and 10 others, managers, owners, and motor pilots of steam vessels in the East River; also J. W. Miller and 41 others; United States Transport Company and 10 others; F. M. Dembaugh and 10 others, and Fred B. Dalzell and 86 others, for improvement of channel between North Brothers Island and South Brothers Island—to the Committee on Rivers and Harbors.

Also, petition of D. Orentz, 1061 Morris avenue, Bronx, N. Y., speaking for hundreds of others, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. GRAFF: Petition of Brotherhood of Railway Trainmen, Springfield, Ill., indorsing S. 5133, to promote safety of railway employees, and House bill 9328, to regulate restraining orders in certain cases—to the Committee on the Judiciary.

By Mr. GROSVENOR: Paper to accompany bill for relief of George W. Myers—to the Committee on Invalid Pensions.

By Mr. GUDGER: Petition of Cliffside Lodge, No. 139, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Hackney & Moale Company, Asheville, N. C., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HENRY of Texas: Petition of citizens of Texas, for legislation against buying of futures in agricultural products—to the Committee on Agriculture.

By Mr. HIGGINS: Petition of Norwich (Conn.) Independent League, I. O. B. A., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HILL of Connecticut: Paper to accompany bill for relief of Henry M. Prindle—to the Committee on Invalid Pensions.

By Mr. HOPKINS: Paper to accompany bill for relief of H. D. Combs (previously referred to Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. JAMES: Paper to accompany bill for relief of heirs of Josiah Parker—to the Committee on War Claims.

Also, petition of citizens of Graves, Ky., against S. 5221, regulating practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JOHNSON: Paper to accompany bill for relief of William Pollard and Elizabeth Balew—to the Committee on Invalid Pensions.

By Mr. KINKAID: Paper to accompany bill for relief of Isalah Graham—to the Committee on Pensions.

By Mr. KNAPP: Paper to accompany bill for relief of Ira G. Havens—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of A. Parlett Lloyd, submitting a paper relative to Senate bill 976, passed January 11, 1907, relative to law governing obtaining of pensions, legal assistance, etc.—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of San Luis Obispo Chamber of Commerce, for selection of the Henry ranch, California, for military reservation to be established on the Pacific coast—to the Committee on Military Affairs.

By Mr. NORRIS: Petition of National Business League, for the conservation of public domain—to the Committee on the Public Lands.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of estate of Stephen A. Kittles—to the Committee on War Claims.

Also, paper to accompany bill for relief of Rebecca Blackwell—to the Committee on Pensions.

By Mr. REYNOLDS: Paper to accompany bill for relief of J. B. Stalb and John Flugle—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Alexander Johnson, Jacob R. Miller, David R. Donnelly, Thomas R. Empfield, Andrew J. Foor, William S. Suter, Alphonsus J. Bingham, Adam Leonard, and William H. Tracy—to the Committee on Invalid Pensions.

By Mr. RHODES: Paper to accompany bill for relief of David H. Gregg (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. SPERRY: Paper to accompany bill for relief of Robert K. Brown and Andrew C. Swenson—to the Committee on Invalid Pensions.

By Mr. STANLEY: Paper to accompany bill for relief of Absalom R. Shacklett—to the Committee on Invalid Pensions.

By Mr. WACHTER: Petition of Brotherhood of St. Paul of the First Methodist Church, for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. WILLIAMS: Petition of the Vicksburg Herald, and the American, Vicksburg, Miss., against tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

FRIDAY, January 18, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. LODGE. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. BURROWS. Mr. President, I am exceedingly anxious to proceed with the consideration of the resolution in relation to the right of the senior Senator from Utah [Mr. SMOOT] to a seat in the Senate, and I am advised that the junior Senator from Utah [Mr. SUTHERLAND] desires to address the Senate to-day on that question, and if he can not get the opportunity to do so to-day I am sure he will be glad to address the Senate tomorrow. He is not in the Chamber at this time, and if the Senator from Massachusetts will withhold his motion I shall be obliged to him.

Mr. LODGE. I will withhold the motion, but I will state that I spoke to the Senator from Utah, and I understood he did not desire to go on with his remarks on Saturday.

Mr. BURROWS. I should like an opportunity to confer with him.

Mr. LODGE. Very well. I will withdraw the motion for the present.

The VICE-PRESIDENT. The motion is withdrawn.

SAC AND FOX INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs in relation to the purchase of additional land for the use of the Sac and Fox Indians of the Mississippi in Iowa; which, with the accompanying papers and map, was referred to the Committee on Indian Affairs, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Georgia E. Morrison, administratrix of George Smith, deceased, *v. The United States*;

In the cause of the Trustees of Winyah Lodge, No. 40, Ancient Free and Accepted Masons, of Georgetown, S. C., *v. The United States*;

In the cause of Thomas Mason *v. The United States*;

In the cause of the Vestry of the Lambs Creek Protestant Episcopal Church, of King George County, Va., *v. The United States*; and

In the cause of Rosa M. Wyatt *v. The United States*.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.